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THIRD ANNUAL REPORT

OF THE

U. S.  
INTERSTATE COMMERCE COMMISSION.

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DECEMBER 1, 1889.



WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
1889.

INTERSTATE COMMERCE COMMISSION.

THOMAS M. COOLEY, *Chairman.*

WILLIAM R. MORRISON.

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# REPORT

OF THE

## INTERSTATE COMMERCE COMMISSION.

OFFICE OF THE INTERSTATE COMMERCE COMMISSION,

Washington, D. C., November 30, 1889.

*To the Senate and House of Representatives :*

The Interstate Commerce Commission has the honor to submit its third annual report, as follows :

### ORGANIZATION OF FORCE AND DISTRIBUTION OF WORK.

Under the original act to regulate commerce the Commission was required to report to the Secretary of the Interior and the report was transmitted by him to Congress. By the amendments to the act approved March 2, 1889, the Commission was required to report directly to Congress.

In submitting its first annual report under this amendment, the Commission deems it appropriate to set forth the organization of its force for the systematic and efficient performance of its duties, and the character and distribution of the work.

The Commissioners themselves exercise a general control and direction over all the business of the Commission. They personally examine all complaints received, hear the trial of all controversies, conduct investigations, prepare all reports made, decisions rendered, and orders and circulars issued, allow subpoenas *duces tecum*, carry on the correspondence relating to the action and duties of carriers and the rights of shippers, and various other things.

The Secretary acts as the executive officer and is also the disbursing agent of the Commission, and is under bonds for \$20,000. His duties are varied, and relate to the Commission's records, mails, correspondence, service of papers, publications, distribution of documents, supplies of all kinds, payment of employes, disbursement of all moneys, and whatever else may be found necessary.

Apart from the Commissioners and Secretary, the force is divided into three sections or divisions.

One of these has diversified duties and is practically the operating division. This division consists of one senior clerk, four stenographers, eight general clerks, two junior clerks, and one messenger—seventeen in all. There are also six temporary employés in this division, namely, one clerk, two stenographers, and three type-writers.

The duties of this division embrace the filing and service of all papers in cases and proceedings before the Commission; keeping the docket of such cases and the minutes of the Commission; entering and serving orders; filing and indexing correspondence; printing and mailing circulars and reports; copying and forwarding testimony in cases and investigations; the purchase of stationery and all other supplies for the Commission; keeping the accounts of disbursements, and various other duties that may become necessary. The stenographers and type-writers in this division are also used by the Commissioners in the performance of their official duties, and usually take the testimony at public hearings.

Since December 1, 1888, 95 cases and investigations have been commenced before the Commission in which 567 railroad companies have filed answers or have otherwise appeared. In the cases brought before the Commission during the year, 447 railroad companies have been notified of their pendency and granted leave to intervene. A large number of copies of complaints, testimony, and exhibits filed in cases before the Commission has been prepared in this division and furnished without charge to parties in accordance with the rules of practice. The number of folios thus copied and furnished exceeds 50,000.

The number of letters received in this division during the year, relating to official business, was 7,862. The letters sent by the Commissioners and by the Secretary during the year amount to 9,525.

Another division is the rates and transportation division. The head of this division is termed the auditor. In addition to the head, the force consists of one assistant auditor, one senior clerk, one stenographer, twenty-one general clerks, two junior clerks, and one messenger twenty-eight in all.

This division has special charge of all railroad tariffs, classifications, contracts; the examination, comparison, notation of changes and files of these documents, and the correspondence relating to matters pertaining to this division.

The number of tariffs received for filing by this division since December 1, 1888, is, in round numbers 180,000; number of separate letters and packages received containing tariffs and other papers, 45,000. Number of acknowledgments of receipts of tariffs, 50,000. Number of letters written and forwarded from this division, 2,500.

The other division is the statistical division. The head of this division is called the statistician. The other force consists of one assistant statistician, two senior clerks, one of whom acts as chief clerk, one stenographer, ten general clerks, and one messenger; sixteen in all.



This division has special charge of the annual reports made by the railroad companies to the Commission pursuant to the twentieth section of the act to regulate commerce. This involves the examination of every report made; the correction of errors found therein, the compilation of the returns embraced in the reports, and the necessary tabulations of railway statistics for the report on that subject, together with the deduction of results therefrom, and the appropriate comment upon the data published. In addition to these duties, the investigation of the special questions in railway statistics is taken up from time to time.

The compilation of the returns of the railroads for the year ending June 30, 1889, is now in progress and the statistical report will be submitted at as early a date as possible.

The preparation and distribution of the blank form of annual report for carriers, with accompanying pamphlets, is also part of the work of this division. The form for reports for the current year was sent to more than 1,500 railroads in the United States. Eighteen different editions of this form for as many different States were furnished, on request, to state railway commissioners, with reference to the important object of bringing about greater uniformity in State and United States returns of the railway statistics of the country.

The correspondence of this division during the last year numbered about five thousand letters received and about the same number of letters and circulars sent out.

The names and compensation of all employés are given in Appendix 1.

#### INVESTIGATIONS AND PROCEEDINGS BY THE COMMISSION.

The general sessions of the Commission for the hearing of complaints, and for investigations of a general character relating to the business of common carriers and the manner and method in which the same is conducted, are usually held, pursuant to the act, at the city of Washington. This has been found more conducive to the dispatch of business and to the convenience of attendance from different parts of the country.

In addition to the sessions at Washington, sessions are also held and investigations made at various places in different parts of the country, whenever the subject of investigation is local, or the convenience of parties and witnesses will be subserved, or the Commission be likely to be better informed as to the peculiar facts of the case. In selecting points for investigations of this character the Commission is governed largely by the convenience of parties and witnesses, but, as is often the case, witnesses and parties on one side or the other are required to travel considerable distances, as it is rarely possible to locate hearings so that both sides to a controversy will be equally accommodated.

The number of formal hearings and investigations assigned at Washington since the last annual report is seventy-three. The greater part

of these have been actually heard, more or less testimony taken therein, often extending through several days, and decided or otherwise disposed of; some are still held under consideration, and some have been continued.

During the same time complaints have been set for hearing, and investigations carried on, either by the Commission as a whole or by some of its members, at the following times and places: December, 1888, at Chicago, Ill., Toledo and Cincinnati, Ohio; January, 1889, at New York, N. Y., and Toledo, Ohio; February, at Philadelphia, Pa., New York, N. Y., Chicago, Ill., St. Paul, Minn., Baltimore, Md., and again at Chicago, Ill.; March, at Chicago, Ill., and New York, N. Y.; May, at New York, N. Y., Titusville, Pa., Toledo, Ohio, Chicago, Ill., Jefferson City and Kansas City, Mo.; June, at Newport News, Norfolk, and Richmond, Va.; September, at New York, N. Y., Indianapolis, Ind., St. Louis and Kansas City, Mo., and Chicago, Ill.

Besides these, an extended tour of investigation was made by the chairman to the Pacific coast in July and August, going west over the line of the Northern Pacific road and returning over the line of the Central Pacific and Union Pacific, and stopping over to make investigations into matters of interest relating to transportation and the operations of the act at the following places: Chicago, Ill.; St. Paul and Minneapolis, Minn.; Bismarck, Dak.; Helena, Butte City, Anaconda, and Garrison, Mont.; Spokane Falls, Tacoma, and Seattle, Wash.; Portland, Oregon; San Francisco and San José, Cal.; Ogden and Salt Lake City, Utah, and Denver, Colo.

The number of cases assigned for formal hearing by the Commission since the 1st of December, 1888, at other places than the city of Washington, is thirty-eight, besides a large number of less formal investigations.

The formal hearings and investigations constitute only a portion, and by no means the greater portion, of the administrative work of the Commission. Informal hearings, conferences, correspondence with shippers and with carriers relating to numerous transportation questions constantly arising, and the adjustment of such questions without formal complaint, necessarily require considerable time and careful attention. More differences between shippers and carriers, many of which arise from mistake or misunderstanding, are disposed of or satisfactorily arranged through the intervention of the Commission than by formal complaint. The questions usually presented by formal complaint are mostly such as involve interpretations of the law, or relate to classification, to rates supposed to discriminate in respect to kinds of traffic or in respect to localities, and to facilities for carrying, interchanging, or forwarding traffic, and require on the part of the Commission a written report, with findings of fact and conclusions of law. Cases involving only charges of individual discrimination or injury resulting from some supposed contravention of the act can in most instances be arranged satisfactorily



to the parties, and often are so arranged, through the action of the Commission without formal complaint or hearing.

#### INVESTIGATION OF SOUTHERN CARRIERS.

One of the first and most important investigations since the last report related to the management of the business of the common carriers operating in the territory south of the Ohio and James Rivers, and to the manner and method in which their business was conducted, with reference to the provisions of the act to regulate commerce. The Commission, having reason to believe, from examinations of the tariffs on file and from other sources, that the requirements of the act were not in all respects complied with, and that there were irregularities of various kinds that should be corrected, summoned the officials of the various railroads associated for certain purposes under the name of the Southern Railway and Steamship Association, and others operating in the territory before mentioned, being twenty-eight in all, to attend at an investigation appointed for the purpose. The investigation was held at Washington on the 18th, 19th, and 20th days of December, 1888, and representatives of the various railroads summoned were present. A large amount of testimony was taken, and the investigation covered the whole field of classifications and tariffs, the methods of making and publishing rates, and the influences, whether water competition or otherwise, that were supposed to affect rates.

An elaborate report of the investigation was made, setting forth the conditions found to exist, and the corrections that were deemed necessary. The general results were as follows:

The greater charge for the transportation of a like kind of property for a shorter than for a longer distance over the same line in the same direction was found to be made at many points where it was deemed to be unjustifiable; the disparity between the charges made at different points on the same line was in some instances apparently much too great; the form of the tariffs as prepared in many cases did not meet the requirements of the law, and in other cases the tariffs did not show the rates actually charged to shippers; combination rates were made which were different from the rates specified in the tariffs as published and filed; the classifications in use were conflicting and involved, containing many exceptions and variations; different classifications were at times used upon the road of the same carrier for the shipment of the same commodity to neighboring points; at times two or more classifications were employed upon the same shipment, fixing a so-called combination rate upon the line of a single carrier, or of two or more connecting carriers, as is also done in some other portions of the country.

In these and some other respects the methods employed were not, in the judgment of the Commission, in conformity with the requirements of the act to regulate commerce, and the Commission therefore ordered

that the several carriers comply with the act in the particulars pointed out, without unnecessary delay, and make report to the Commission of their action in the premises. The reports made by the carriers pursuant to this order, and the tariffs filed, show that material changes and improvements have been made in compliance with the order.

#### CIRCULARS.

On the 2d of March, 1889, the amendments made by Congress to the act to regulate commerce took effect. By these amendments material changes were made in the statute in respect to the filing and publication of tariffs, and in several other particulars. The Commission at once caused the act as amended to be printed and distributed to the common carriers of the country, and generally for public information.

On the 12th of March the Commission issued and distributed a circular to all the carriers subject to the act in respect to the printing, posting, and publication of schedules of rates, a copy of which is set forth in Appendix 2.

On the 23d of March a further circular was in like manner issued and circulated in respect to advances and reductions in joint rates, and the publication of joint tariffs, calling attention to the provisions of the act as amended. This circular is given in Appendix 3.

#### CONFERENCE WITH STATE RAILROAD COMMISSIONERS.

On the 5th, 6th, and 7th of March a general conference with the railroad commissioners of the States was held at Washington, pursuant to an invitation for the purpose issued by this Commission on the 31st of January, 1889.

The proceedings of this conference are elsewhere described in this report.

#### CONFERENCE WITH TRUNK LINE CARRIERS.

On the 16th day of March, 1889, a conference was held at Washington, pursuant to a notification issued by the Commission, with representatives of the common carriers comprising what is known as the Trunk Line Association. The purposes of this conference, and what appeared, are elsewhere stated in this report.

#### PASSENGER RATES.

On the 21st of March, 1889, upon the request of the officials of the passenger department of the Central Traffic Association, a conference was held at Washington on the subject of passenger rates, which was attended by a large number of general passenger agents from different sections of the country, and by officers of several traffic associations. The subjects of the conference covered passenger rate-sheets; the form in which they might be prepared and be most convenient for public in-

formation; the manner in which through rates over different lines might be made, and the posting of such rates; the making of various special rates, such as round-trip tourist rates, so-called party rates, car-load passenger rates, and others.

A report of the conference was made and published by the Commission, and the views of the Commission upon some of the subjects considered and discussed were set forth.

#### CONFERENCE WITH SOUTHERN CARRIERS.

Pursuant to a request by representatives of some of the southern railroad lines who had attended the conference with representatives of the Trunk Line Association, a conference was held at Washington on the 2d of April, 1889, with representatives of most of the southern and southwestern common carriers, forty in all, and a large amount of testimony was taken. Another portion of this report refers more fully to what was elicited on this investigation.

#### AMENDED RULES AND FORMS.

By the seventeenth section of the statute, it is provided that the Commission may, from time to time, make or amend such general rules or orders as may be requisite for the order and regulation of the proceedings before it, including forms of notices and the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the United States. Under this authority, the Commission, on the 8th of June, adopted revised and amended rules of practice in cases and proceedings instituted before it under the act, and prepared a set of forms for the use of parties to such proceedings; these were printed and distributed generally throughout the country. These rules and forms are given in the Appendix.

#### FREE PASSES AND FREE TRANSPORTATION.

On the 3d of May the Commission entered upon an investigation concerning free passes and free passenger transportation. Information received from time to time had given reason to believe that passes for interstate transportation, or having some relation to interstate business, were issued to some extent at least by some if not most of the railroad companies. The intention of the Commission was to make the investigation general, covering all the interstate lines of the country, but pressure of other business compelled the postponement of much of the investigation to a later period. As the investigation has not been completed only a limited report upon the subject can be made at the present time.

The companies first summoned were those operating in the Middle and New England States, twenty-seven in all. They were called upon, by order, to answer and set forth the persons and classes of persons to whom they had severally issued free passes or free transportation other than their



own officers and employés and the officers and employés of other railroad companies since November 1, 1888, and the conditions and limitations connected therewith, with explanations showing how and why these acts were done; and the statements to be properly verified.

Representatives of all the companies summoned appeared at the hearing in Washington, and all except three companies produced statements in compliance with the summons, showing the number of passes issued, the persons and classes of persons to whom issued, and the reasons for their issue. The three companies that furnished no statements of the character called for answered that they issued passes to be used only within their respective States, and that for such transportation they were not subject to the act to regulate commerce, and therefore declined to show to what persons, or for what reasons, the passes were issued. Whether or not companies taking this ground can be compelled to disclose the particular persons to whom free transportation was given, in order that it may appear whether the passes were intended or used for interstate journeys, or are in any respect a device to favor interstate shippers, has not yet been determined.

The statements filed by the companies that produced lists show that passes have been issued to divers classes of persons, and for a variety of reasons, but mainly for use within a State, and claimed for that reason not to be in violation of the act to regulate commerce. It also appears that to a limited extent passes for interstate journeys have been issued by many of the companies.

The persons who have had free transportation as shown by these returns are embraced in the following classes: Railroad directors; drovers; express men; telegraph men; news company agents; officers of palace-car companies; managers of excursions and shows; persons injured on railroads, transported to their homes; attorneys; surgeons; persons on company's business; in consideration of contracts for purchase of land, water rights, and rights of way; for services rendered; witnesses for companies; in consideration of advertising; hotel and boarding-house proprietors; newspaper men; shippers; complimentary; special car accommodations; to persons on request of others, no reason given; for charitable purposes; benevolent associations; ex-employés, and families of deceased employés; members of legislative bodies; State railroad commissioners; United States, State, and municipal officers; employés of the railway mail service; officials of steam-ship and steamboat lines.

Under some of these classes the transportation has been very limited. Under others the numbers carried have been more numerous, but that a great diminution of free transportation has taken place since the act, especially in interstate transportation, is very evident.

Some of the classes carried free there would seem to be no reason to question the propriety of; such as persons injured in railroad accidents, surgeons attending such persons, and witnesses for companies in judi-



cial proceedings and investigations. Where contracts have been entered into prior to the act for free carriage of specified persons, in consideration of conveyance of rights of way or other property rights to companies, courts have held in some instances that they were enforceable, and rested upon lawful considerations. Employés of express companies and telegraph companies operating upon a line of railroad under agreements with the railroad company, and employés of the railway mail service, are clearly distinguishable from ordinary travelers.

With respect to nearly all the other classes to whom free transportation has been given, it would seem clear that no justification can be found for their carriage under the provisions of the act.

According to the returns made, the largest number of interstate passes issued of any class was designated "complimentary." Next in numbers were passes to steam-ship lines and transfer companies, United States, State, and municipal officers, palace car companies, newspapers, and for advertising. The several other classes were small in proportion.

Of State passes the largest numbers were issued to members of legislatures, and drovers, with "complimentaries" next, and United States, State, and municipal officers, newspapers, and shippers, next in numbers; the others being comparatively few.

The statute undoubtedly was framed to prohibit passes or free transportation of persons, as one of the forms of unjust discrimination, favoritism, and misuse of corporate powers that had grown into an abuse of large proportions and become demoralizing in its influence and detrimental to railroads, both in loss of revenue and in provoking public hostility. One of the minor and meaner phases of this abuse is the distinctive preference shown in various ways by employés, both in service and civility, to holders of passes, as if discrimination by free carriage includes discrimination in treatment of passengers.

It was well known that persons who were carried free were, to a large extent, precisely the persons who had no claim whatever to such favors. They were officials and others, from whom free passes might be expected to secure reciprocal favors, and men of wealth and prominence who rode at the expense of others less able to pay; or the passes were given to influence business. In nearly all cases not specially exempted by the act, the motive in demanding or in giving them was one deserving of no favor.

The law aims at the correction of the abuses of free transportation, and, in accomplishing this general purpose, some forms of free or reduced transportation that at first view might appear plausible, or even unobjectionable in themselves, have to fall under its general restrictions. The principle of equality, under like conditions, for the traveling public had been grossly violated by the railroads. Favored persons or classes of persons had been furnished free transportation at the expense of the general public by higher general charges to re-

imburse for gratuitous carriage. The discrimination is equally unjust whether the free transportation be complimentary or to aid some person's business, or for some supposed indirect advantage to the carrier. The correction of the evil, and the equality of right to which all are entitled, required the restrictions to be general and sweeping to furnish any substantial assurance that the abuse should not be continued or new ones devised under cover of any discretion left to the carrier.

For reasons deemed adequate by the legislative body certain specified exceptions are made in the statute of classes of persons to whom reduced rates or free transportation may lawfully be given, in whose favor discrimination was not deemed unjust. The act provides that it shall not "be construed to prohibit any common carrier from giving reduced rates to ministers of religion, or to municipal governments for the transportation of indigent persons, or to inmates of the national homes or State homes for disabled volunteer soldiers, and of soldiers' and sailors' orphan homes, including those about to enter and those returning home after discharge, under arrangements with the boards of managers of said homes." It further provides that it shall not "be construed to prevent railroads from giving free carriage to their own officers and employés, or to prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers and employés." The classes of persons that may have reduced rates or free carriage are thus carefully specified in the statute, and their enumeration necessarily excludes all others. Except as qualified by this section, the issuance and sale of passenger tickets must be in accordance with the general principles of the act.

The investigation developed one custom of railroads that seems to be general and to rest on considerations that have no little force. This is the custom of giving free transportation or reduced rates to families of subordinate employés. It is obvious, that for many forcible reasons, the most amicable relations should exist between the railroad companies and their employés, and that the latter should feel that the companies are disposed in all proper ways to manifest an interest in their general welfare. The compensation of these employés is low, the service exacting and often hazardous, their opportunities to give attention to domestic affairs are very limited, and as a rule they are dependent almost entirely on their compensation for the support of their families. It is clearly for the interest of these employés to reside at points on their roads convenient to their business, where homesteads can be acquired, and cost of rents and living expenses are moderate. Such locations may often be some distance from points required to be frequently reached by members of their families, such as schools and markets, and it would seem reasonable, and no more than an equitable part of their compensation, for the company to carry the wives and children of its employés free, or at low rates, for fairly necessary purposes. Provision, it would seem, might very properly be made to permit this to be done.

As the investigation of this subject has not been concluded, any further report or action by the Commission is deferred until more complete information shall have been elicited.

#### PASSENGER TICKETS AT REDUCED RATES.

Among the reduced-rate tickets which were in use before the law to regulate commerce was passed, and which may be lawfully issued since its passage, are mileage; excursion, and commutation tickets.

After investigation of alleged abuses in the issuance and sale of these tickets, the Commission held, March 27, that they must be offered impartially to all who accept the conditions on which they are issued, that the rates at which they are issued must be published, and that a practice which had grown up of selling tickets for ten or more persons at party rates, or rates considerably below the rates for single passengers, was illegal.

The mileage ticket is one form of a reduced-rate ticket which had a well-understood meaning before the act. Besides mileage, commutation, and excursion tickets, there were various other forms in which tickets were sold at reduced rates. Special and reduced rates were obtainable without regard to the form of the ticket, and the meaning of commutation and excursion tickets was neither exact nor well defined.

Commutation tickets are commonly understood to be tickets sold for a gross sum at reduced rates for a number of rides between given points. Ordinarily, excursion tickets are understood to be round-trip tickets sold at reduced rates issued for one trip and on special occasions sometimes for health or recreation, and sometimes for army or industrial reunions and assemblages for political, religious, or benevolent purposes. It is sometimes urged that the only characteristic feature of these two tickets before the act was their sale at reduced rates, and that, substantially, all forms of reduced-rate tickets come within the description of commutation or excursion tickets, and may be lawfully issued. Various practices are in use by which they may be made available for a journey of any description, and frequently for ordinary travel, and are good alike for picnics and prize fights.

In view of evil practices in the use of these tickets ascertained on investigation, the Commission, in January, felt constrained to recommend that the act to regulate commerce be so amended as "to define what shall be considered excursion and commutation tickets, and to so restrict their issue in interstate commerce as to prevent the abuses now so common."

#### COMMISSIONS ON THE SALE OF TICKETS.

Another investigation was held at Washington on the 7th of May, in respect to commissions on the sale of tickets, to which twenty-seven companies were summoned and which was attended by representatives



from the different companies. The subject of commissions to ticket agents has heretofore been reported upon by the Commission, and its bearings and the evils supposed to be connected with it discussed. The object of the investigation was to ascertain the extent of the practice, the conditions under which it is carried on, and the carriers that engage in it. The roads summoned were principally those of the West and Northwest that operate in the territory reached from Chicago, where the practice was supposed most generally to prevail.

Nearly all the roads operating south and west and southwest of Chicago, it appeared by the returns made, pay commissions upon passenger tickets to ticket agents of other lines. The commissions paid to agents of connecting lines on competitive business were represented to be those fixed by the Western States Passenger Association, in effect from February 1, 1889, and the amounts paid ranged from 25 cents to \$1 a ticket, depending upon the cost of the ticket and distance traveled. The maximum paid in any case was represented to be \$1 for certain distances and more for longer distances. Other roads, operating eastward from Chicago, it was shown, pay no commissions to agents of other lines. Some roads, it was shown, pay some of their own agents by commissions upon sales of tickets, instead of salaries.

Commissions, however, may be, and, as the Commission has learned, sometimes are cumulative, as, for example, \$1 from New England points to Chicago, \$1 from Chicago to the Missouri River, and \$1 from the Missouri River to Denver. In addition to these sums some roads may pay 10 per cent. commission on their earnings for a passage, to a traveling passenger agent of, say, \$1.20, making a total for the sale of a single ticket of \$4.20. In cases of commissions of only \$1 for short distances there may be no inducement for the agent to divide with the passenger, but in cases of cumulative commissions for long distances the temptation to divide is stronger, and the probability of abuse is so great that the impropriety of putting the opportunity before an agent is manifest.

Viewed in another aspect, the amount of money paid annually by the larger companies is vast; it is not unusual for a single company to pay a sum approaching \$100,000, or even more, in a year, and the aggregate undoubtedly reaches millions of dollars. This money is illegitimately spent; it is paid in excess of salaries to agents for the purpose of diverting business from competitors, and when competitors all do it, it is difficult to see how any benefit can accrue from it to any company. The money so spent of right belongs to the stockholders, or should be remitted to the public in reduced fares; if the rates are not in fact too high, the money wasted for commissions should be expended for improved service, or toward the safety of passengers and employés.

This practice has frequently been condemned by this Commission as one of very doubtful benefit in any case, and of positive injury in others; as one that affords opportunities, too often improved, for discriminations and fraud in the sale of tickets, and as, generally, a source of demoralization.



## CAR MILEAGE.

On the 8th of May an investigation was held at Washington in respect to car mileage, or compensation paid by railroads for the use of cars belonging to other railroad companies or to private companies or individuals. Information had been received giving reason to believe that the payment of car mileage for cars owned by private shippers had in some instances been made use of as a cover for discrimination in rates, and the Commission deemed the subject of enough importance for an investigation.

Twenty-six railroad companies operating in the territory extending in different directions from Chicago, and engaged in the business in which discriminations by allowance of car mileage were supposed to exist, were summoned to make a showing of the allowances paid by each of them for car mileage for the different classes of cars furnished by shippers, car companies, and individuals, or connecting lines; how the business was conducted; and what sum was, in their opinion, a fair and just allowance for the different classes of cars. The companies appeared by their representatives, and produced their statements and testimony relating to the subjects of inquiry. The facts elicited were substantially as follows:

The mileage paid for different classes of cars, and for the same class of cars, is not uniform by different companies, nor by the same companies, except for ordinary freight cars exchanged between companies in the course of transportation. The rates allowed for car mileage were shown to be as follows: For ordinary freight cars, a uniform rate of three-fourths of a cent a mile; for Pullman palace cars, 3 cents a mile; for Pullman palace tourist sleepers, 1 cent a mile; for ordinary passenger cars exchanged with other companies, 3 cents a mile; for baggage, mail, and express cars exchanged with other companies, 1½ cents a mile by some roads and 3 cents a mile by others; for refrigerator cars used for carrying dressed beef, 1 cent a mile in some cases and in other cases three-fourths of a cent a mile; for furniture cars, oil-tank cars, palace live-stock cars, and other cars owned by private individuals and companies, three-fourths of a cent a mile. Some companies pay mileage on tank cars both loaded and empty, and some only when loaded. For palace horse cars no mileage is allowed on some roads, shippers in such cars paying for the car. Since May 1, 1889, the roads running east and southeast of Chicago, with the exception of one company, have allowed three-fourths of a cent a mile for refrigerator cars. The one road referred to allows 1 cent a mile.

It appeared by the evidence adduced that one of the roads west of Chicago had entered into a contract with one private company owning a large number of refrigerator cars, and who are also shippers, to pay 1 cent a mile on such cars for a period of five years, the private company agreeing to furnish sufficient cars for their own business and for all other like business requiring that class of cars. This was naturally

followed by all of the competing roads, with perhaps one exception, paying the same rate of car mileage on that class of cars, and that is accordingly understood to be the rate on the different roads in the competitive territory.

A forcible illustration of the results of car mileage to owners of private refrigerator cars appeared by a statement put in evidence from the books of a railroad company, showing the mileage made, and earnings of some of such cars, for nine months, from August 1, 1888, to May 1, 1889. During that period the mileage for which compensation was allowed, made by the cars of three shippers, from Chicago to an eastern point, and over a single line of road, was 7,428,406, and the earnings of the cars \$72,945.97, being about the cost of 81 cars. The mileage allowed during most of this period was 1 cent a mile, and three-fourths of a cent a mile for a part of the period. Refrigerator cars run on fast time, and make four times the mileage of ordinary freight cars.

The cost of the investment in cars and the amount of mileage allowed for their use show that the investment is very profitable. Refrigerator cars cost from \$900 to \$1,000; private cattle cars cost about \$650; oil tank cars about \$610; cars used for the transportation of live hogs about \$500; ordinary freight cars from \$450 to \$500. Repairs to the cars are made by the railroad company in whose use they are when repairs are required. The life of a box car averages fifteen years, and of a refrigerator car eight years. At a car mileage rate of 1 cent a mile the profit on the investment in many of these cars is very large, reaching, according to information acquired by the Commission, 25 per cent., 50 per cent., and even more, annually. Sometimes a car will pay for itself in two or three years. Owners of several hundreds of such cars, therefore, receive a very large amount of money from the railroads over which they are hauled, and it is easy to see how it is possible, out of the large returns from these cars, for owners to pay rebates to shippers, if so disposed. The evidence taken in the case did not prove the payment of rebates to shippers by owners of any of these cars, but it was quite clear that some of the officers of railroad companies who were examined had impressions that such might be the fact. It is also evident that the payment of either 1 cent or three-fourths of a cent a mile to a large shipper owning and controlling his own cars and furnishing business therefor constitutes a very profitable incident to his legitimate business, and is at least a material advantage to the man owning cars over the man who owns none.

In the original draft of the report, as submitted, it was stated that another illustration in which car mileage is a factor is furnished by the Pullman palace cars and similar cars, and that the rate of car mileage received was 3 cents per mile. This was founded on evidence before the Commission. Evidence since submitted shows this rate is paid by only a portion of the roads under old contracts outstanding, and that under recent contracts with some companies the rate is 2 cents per mile. The evidence also shows that on roads where the earnings of a car from passenger accommodations reach \$7,500 no car mileage is

paid. The report of the Pullman Company for the year ending July 31, 1888, shows revenue (\$6,259,370.97, car earnings; \$1,239,565.93, manufacturing profits; \$10,817.48, from patents) from all sources \$7,509,754.38. Car earnings are explained by evidence not to include car mileage, but arise from passenger accommodations. The aggregate car mileage has not been shown. After deducting operating expenses and some other items, the total net earnings were first stated to be \$3,957,771 87. From this deductions are claimed for interest, repairs and depreciation of cars, reducing materially the previously stated profits of 20 per cent. on the capital stock, \$19,872,900. Although the results on the whole business of the company show larger profits than those of railroads generally, the exact extent to which car mileage is a legitimate factor can not be determined without more facts than have as yet appeared from satisfactory evidence.

The use of these cars is sometimes an excuse for furnishing inferior passenger coaches by the roads. The traveling public are burdened with high rates for transportation in these cars, or subjected to inferior accommodations in ordinary coaches. If any portion of the public desires to pay higher rates for special accommodations there can be no objection to their doing so, but the provision for the superior accommodations should not become a charge upon the general transportation. In England, where different classes of passenger cars are furnished, striking results have been produced by the provision of suitable cars of the third class. That class of cars has of late absorbed the bulk of the travel, and furnished the revenue to the roads from their passenger business, while the first and second class cars, with the superior accommodations, have become a tax upon the other business.

Illustrations might also be drawn from the use of the cars of the numerous fast freight lines that operate generally over the railroads of the country. These lines derive their revenue from the roads upon which they are operated, and as a rule are highly profitable, while the roads proper show very different results. This revenue accrues from payments for car mileage, and from commissions for procuring traffic, which in effect are divisions of earnings between the roads and irregular outside organizations.

So far as rates upon traffic are concerned, whether for freight or passengers, their reasonableness can probably be controlled without regard to the source from which cars are supplied. Any railroad company voluntarily using a car in its business, no matter how obtained, in legal contemplation makes the car its own for all the purposes of rates and of safe carriage. It can not escape its duty to charge only reasonable rates, or its liability for the safe carriage of persons or property on the ground that its cars may not be its own property, or that a high rate may be paid for their use.

With regard to the sum that may be considered a reasonable allowance for the use of freight cars, the general opinion expressed on the investigation was that three-fourths of a cent a mile is ample, and



many regard even that as too high a rate. In the case of cars interchanged between railroad companies the mileage nearly equalizes itself, and does not bear very disproportionately upon any one company, but in the case of the private ownership of cars there is no reciprocity, and the payment of three-fourths of a cent a mile may be a burden to the carrier, besides the other objections that have been mentioned.

It is an obvious deduction from all the facts that cars for the various kinds of business done by a carrier should be owned by the carrier itself and furnished to all alike, or, if owned by the shipper, only such reasonable allowance for their use should be made as to permit no advantage to the private owner of cars who is also a shipper, nor afford a margin for paying rebates to other shippers.

#### FREE CARTAGE.

On the 17th of June most of the leading railroads, five hundred and eighty-five in number, were summoned by circular to furnish the Commission with information with regard to free cartage delivery of freights and to have their answers duly verified by some officer of their companies with knowledge of the facts. They were required to state at what stations on their lines they made free cartage delivery, if any, and of what class of freights; whether such stations, or any of them, were grouped with any other station or stations on their lines at which the same transportation rates were charged as to like freights delivered with free cartage; how long the system of free cartage delivery of such freights had been made; what its origin and all the facts, circumstances, and conditions, if any, that induced it to be done; whether it resulted in competitors making free cartage delivery at the same stations; what effect, if any, such free cartage had upon rates at such stations, as compared with rates at other stations; whether their rate sheets or tariffs made any, and what, reference to free cartage where it existed; what estimate they made of the actual cost of such free cartage at the stations where it was done. Four hundred and sixty-three companies responded to this circular. By the answers received it appears that sixty-five railroad companies allow free cartage delivery of freight or equalizing cartage allowances; that three hundred and eighty-nine railroad companies do neither; that seven railroad companies only deliver free to connecting lines freight shipped on through tariffs; and that two railroad companies only switch cars free to mills and manufactories.

It further appears by these returns that no company furnishes free cartage delivery at all its stations, but as a rule, only at few stations; that in some instances, when free cartage is furnished at a station by one company, competitors do the same, but it does not appear that that is generally done; that in no instance do the rate sheets or tariffs give any information about free cartage delivery; that the estimated cost of free cartage delivery will average about  $2\frac{1}{2}$  cents per 100 pounds;



that where allowance is made for switching on connecting tracks to consignees' doors, or where an allowance is made per car to equalize distance from shippers' doors to depot, the average cost is about \$2 per car, or \$2.50.

As a case is pending before the Commission involving the lawfulness of free cartage collection and delivery of freight, no further comment is made on this subject.

With respect to two of the foregoing subjects of investigation, commissions and car mileage, their nature and magnitude clearly demand legislation to restrain their evils and make correction effective. Acts supposed to promote business interests, however inconsistent with a sense of right and of just accountability to others whose interests are represented, are not usually restrained by moral or public considerations, or by anything less than positive law. Railroads are constructed for business purposes, and are expected to produce profits; they are not different in this respect from other business undertakings. If managers are ambitious for a larger showing of business, or more revenue is necessary to insure profits, or even to balance accounts, they have not infrequently felt at liberty to make use of methods that have no better sanction than that the end justifies the means. But managers of this character are undoubtedly in a small minority; conservative and upright managers regard such practices with no less abhorrence than the general public, and legislation is required for their protection no less than for the public protection. The best managed road may find its business diverted and its revenues impaired by a weak but unscrupulous competitor, and in self-defense feel compelled to retaliate. This may not be the course of wisdom nor defensible on any just grounds, but it is one of the well-known facts of experience.

#### TICKET BROKERAGE.

Another subject of general notoriety related to some of the foregoing, and universally recognized as an abuse of gross character and large extent, and which, in the opinion of the Commission, urgently demands legislative action, both for public reasons and to regulate dishonest competition, is ticket brokerage or scalping as usually termed. The Commission has made investigations concerning it, and has frequently expressed condemnation of the practice, setting forth its dishonesty, and the discrimination and evils to which it leads, and urged managers of railroads to relieve themselves from its odium and wrong. There is no indication, however, that the practice is diminishing; on the contrary, it flourishes with unabated boldness and success in many of the cities of the country, including the national capital. As dealers in these irregular sales are not recognized as agents of the railroads, nor as connected with any company, but as independent operators, there are difficulties in enforcing legal remedies against them under a law framed to apply to carriers and their proper officers and agents.

It is sometimes said that railroads can destroy ticket scalping whenever they see fit, by ceasing to countenance or connive at the practice. This is doubtless true, but one or two reckless roads, indifferent to the methods by which they procure business, may be able to defeat the best purposes of a great majority of roads that oppose the evil and desire its abatement.

Some of the States have legislation that is understood to be preventive of ticket scalping, and similar provisions, incorporated in the act to regulate commerce, may prove efficacious. They are, in substance, that any person authorized to sell passenger tickets shall have and exhibit a certificate from the company or companies upon whose lines he sells tickets, and the companies to be responsible for his acts; and that it shall be unlawful for any other person to sell tickets, under suitable criminal penalties.

#### QUESTIONS DECIDED.

The decisions of the Commission in contested cases have related more largely to rates than to any other incident of transportation. A statement briefly setting forth the points passed on in the various cases decided is contained in Appendix 4. Another statement in the Appendix shows the cases that are still pending and undetermined. Some of the more important decisions rendered are briefly referred to here and some elsewhere in this report in connection with particular subjects.

One of these, announced early in the year, related to passenger tariffs and rate wars, and various matters relating to the publication of tariffs, the reduction of rates, employment of ticket brokers and scalpers for the sale of railroad tickets, the illegality of lower rates obtained from brokers, and the existing methods respecting excursion and mileage tickets were examined, discussed, and the views of the Commission with regard to them expressed.

In two cases, one arising in Illinois and the other in Pennsylvania, the practice of making group rates upon soft coal was presented, and, under the conditions found to exist in both cases, a group rate for a district of considerable size was found to be reasonable and not in contravention of the provisions of the statute. A group rate upon an article of traffic for a district of country where the circumstances as to the character of the commodity, the extent of the public demand for its use, and sometimes the nature of the competition existing in its transportation, has been considered by the Commission as warranted by the provisions of the act, and in most respects conducive to the public welfare.

In other cases through rates for long distances, and the relation of local rates upon the same line to the proportions of through rates, have been several times considered and applied. In all these cases the Commission has adhered to the rule it had previously laid down, that through rates are not required to be the sums of locals, but may lawfully be lower so long as they are not unreasonably disproportionate, or unjustly

discriminating against individuals or localities, or so low as to burden other business with part of the cost of the business upon which the through rate is charged; but that rates should be reasonably proportional, and, distance being usually an element of importance, a proper regard to distance proportions should be observed in connection with any other considerations that may be found material in fixing transportation charges.

In another case the question of relative rates upon different branches of the same road was considered upon the facts presented in the case, and it was ruled that railroad service may be rendered under such dissimilar circumstances as to make it lawful to charge more for the same distance on one branch than on another branch of the same road; that the departure from the rule of equal mileage charges, as applied to several branches of a road, is not conclusive that such rates are unlawful, but in such cases the burden is on the company making the departure to show its rates to be reasonable when challenged.

A case of some importance in respect to the principles involved was brought before the Commission, relating to the application of the provisions of the act to regulate commerce to international commerce with Canada. The particular controversy was in respect to rebates allowed upon coal to consignees in Canada upon continuous shipments from a point in the United States. The Commission regarded the act as intended to regulate all commerce originating in the United States, and destined by continuous carriage to or into a foreign country, as well as commerce originating in a foreign country and destined to a place in the United States by continuous carriage. It was accordingly ruled that the act applies as well to foreign as to domestic common carriers engaged in the transportation of passengers or property by continuous carriage or shipment from a place in the United States to a place in an adjacent foreign country, and that such common carriers are subject to the provisions of the act respecting the printing of schedules of rates, fares, and charges for the traffic carried, the posting and filing with the Interstate Commerce Commission of copies of such schedules, the notice of advances and reductions, and the maintenance of the rates, fares, and charges established and published, and in force at the time; that such common carriers are also subject to the provisions of the act in respect to joint tariffs of rates, fares, and charges for continuous lines or routes; and that, pursuant to the seventh section of the act, the carriage of freights can not be prevented from being treated as one continuous carriage from the place of shipment to the place of destination, by any means or devices intended to evade any of the provisions of the act.

A case was again brought before the Commission involving the rights of colored passengers in respect to the character of their transportation upon lines of road in some of the Southern States, and the principle that colored passengers paying the same fare are entitled to equality of



accommodations and treatment was again affirmed and applied by the Commission.

The Commission had occasion to consider with care the question of practice involved in the allowance of subpœnas *duces tecum*. It had been found in some instances that parties, without leave of the Commission, would serve subpœnas *duces tecum* upon common carriers, requiring them to produce upon a hearing a wholly unreasonable and mostly unnecessary amount of documentary evidence, subjecting a company to burdens, in the form of expense and labor of its employés to prepare the documentary evidence, that were regarded as unjustifiable and oppressive. The Commission therefore laid down certain general principles in regard to the allowance of subpœnas *duces tecum* and the production of books and documentary evidence, defining the manner in which documentary evidence may be called for, the kinds of evidence proper to be called for and produced, the distinctions to be made between custodians of documentary evidence who are parties and who are not parties to a proceeding, and regulating the practice, as it was thought, upon a reasonable basis.

In another case the question of the mode of making rates upon the shipment of live cattle was presented and passed upon. A practice had existed among the carriers in large sections of the country to make a car-load rate irrespective of the weight carried, and to permit the shipper to load into the car as many cattle as he pleased or as he was able to put into it. The carriers substituted for this the rule that, while naming a car-load rate, they prescribed a minimum weight for a car-load, and then charged by the hundred pounds, in proportion to the car-load rate, for any excess over the minimum. The shippers complained that this substituted rule was unlawful and that they suffered prejudice by reason of its enforcement. They emphasized the complaint by showing that State commissions, in the district affected by the new rule, retained and enforced upon State transportation the former practice, thereby, as they insisted, putting interstate traffic at a great disadvantage. The Commission decided, however, that the new rule was not unlawful. The former practice, when, as is well known, the cars were of different sizes, almost necessarily led to discriminations and to favoritism as between shippers, and on the face of it the new rule was more just and reasonable than the practice it supplanted, since the charge would be more in proportion to the service rendered.

Whatever might be the action of the State commissions in the premises, it was held that it could not be allowed to control in respect to interstate traffic, inasmuch as, if it did, the regulation of interstate traffic would, to some extent, be relegated to State commissions. The new rule also corrected some incidental difficulties and abuses in the transportation of live cattle which always attended the old practice, especially in the temptation it held out to the overloading of cars. Shippers



complained that difficulties were found to exist in practice in the prompt and accurate weighing of cattle, but this was held not to furnish a reason for abolishing the new rule, but rather, on the other hand, for improving and perfecting it.

#### QUESTIONS DECIDED BY UNITED STATES COURTS.

Since the last annual report some questions arising under the act to regulate commerce, and involving interpretations of its provisions, have been presented to and passed upon by courts of the United States. These are given for public information.

In a decision announced by the Commission in August, 1888, it had been held that a certain corporation, chartered by name as a bridge company, had by its charter the powers and rights and was subject to the obligations of a common carrier; that it was a common carrier in fact, and was therefore entitled, under the third section, to demand interchanges of traffic with a railroad company with which it had track connections that were not strictly at a station or depot, but convenient for the purpose of interchange. The case was subsequently presented to a circuit court of the United States, under a somewhat different showing, and it was held by that court that the bridge company was not to be deemed a common carrier and could not lawfully demand interchanges of traffic and through rates with the railroad company under the facts and circumstances of the case.

In another case in which the Commission had ruled that a through route and through rate could not be enforced in favor of a carrier making application therefor, and connecting at each terminus with other carriers, the same question came before one of the courts of the United States, and the same ruling, in effect, was made.

In an original case that arose in a United States circuit court, under the amendment to the twenty-second section of the act giving jurisdiction to the circuit and district courts of the United States to require a common carrier by mandamus to move and transport interstate traffic or to furnish cars or other facilities for the transportation of such traffic, it was decided that a shipper of live cattle is not entitled to have his cattle carried in cars of a special construction of his selection belonging to a third party, and superior to ordinary cattle cars, by reason of the fact that the carrier transports some cattle in other cars, available to all shippers equally, which have some of the improvements of the former, but are furnished by another party under a special contract, and which, unlike the cars desired by the shipper, by reason of their peculiar construction, can be used in the chief business of the road, which in that case was the carriage of coal when not in use for cattle; and that the refusal to use the cars desired by the shipper in that case did not constitute unjust discrimination.

In another case, in one of the district courts of the United States, in which an official of a railroad company was indicted for unlawful dis-

crimination under the act to regulate commerce, the official was convicted in the trial court, and upon a review of the case it was held by the court that the transportation by a railroad company to a certain point on its line of freight received from a connecting carrier which had reserved a right to forward the property by any carrier it might select, especially where the freight thereon was to be paid at the point of destination by the purchaser, is not a service rendered for the party by whom the through shipment is made, but for the connecting carrier, and therefore that there may be an unlawful discrimination between the charges for such service and for a shipment by the same shipper to the same consignee at the same destination over the local line alone, and that an unreasonable adjustment of joint rates for through transportation may constitute an unreasonable discrimination against local traffic. The court further held that the question whether the difference in rates for transportation of local traffic and through traffic is reasonable or unreasonable is a question of fact for the jury, and the conviction of the official was affirmed.

An important decision covering many points of interest in railway transportation, though not under the act to regulate commerce, was rendered by the United States circuit court for the southern district of Iowa in a suit brought by a railroad company against the railroad commissioners of the State of Iowa. The case related to the schedules of rates for transportation within the State prescribed by the State commissioners under a statute of the State.

It was held in the case that the Federal courts have jurisdiction in a suit against State railroad commissioners brought by a corporation of another State to restrain the enforcement of a schedule of rates prepared by such commissioners, under a State statute claimed by the complainant to be unconstitutional; that the authority conferred upon the railroad commissioners by the legislature to make and put in effect a schedule of rates for railroad transportation within a State is not an unconstitutional delegation of legislative power; that the provision of the act making the commissioners' schedule *prima facie* evidence that the rates fixed thereby are reasonable is not an infringement of the constitutional guaranty of the right to trial by jury, nor of the provision against deprivation of property without due process of law; that an inquiry by the courts into the reasonableness of rates established by State authority, notwithstanding the forms of law have been pursued in prescribing a schedule of rates, may be made, and must be decided in each case whether the rates prescribed are within the limits of legislative power or are mere proceedings which, if not restrained, will work a confiscation of property; that the courts have no power to interfere with rates for railroad transportation fixed by statute when such rates will give some compensation, however small, to the owners of railroad property, but it is their duty to interfere when the rates prescribed will not pay compensation to the owners; that is, some dividend to stock-

holders after payment of fixed charges and operating expenses; that State legislation which deprives the owners of a railroad line within the State of all compensation from their business can not be upheld on the ground that the company is a foreign corporation and is permitted simply to do business within the State, and is at liberty to abandon its business if found unremunerative; nor can it be upheld on the ground that the railroad affected thereby is an interstate road and that its deficiency of revenue may be made up by receipts from interstate commerce or from traffic in other States, or on the ground that a future increase of business may render the prescribed rates remunerative. And it being found that the rates prescribed were not remunerative to the railroad company, an injunction was issued restraining the enforcement of the schedules.

#### PUBLICATION AND FILINGS OF TARIFFS.

Publicity of rates is, in itself, a powerful factor in the correction of the evils of unjust discrimination, extortion, and unlawful preference. By this means a record, open to public inspection and criticism, is kept of rates as they actually exist at the time. The shipper can see for himself what they are, and if there be a choice of routes for his shipments, as is frequently the case, he may make this choice intelligently, or he can see whether, in any respect, they are such that he may feel it his duty to make complaint against them. But in addition to this information, which is thus valuable and important to the shipper and the public, there could be no efficient supervision and regulation of rates and of the methods prevailing in their enforcement unless tariffs were filed with the Commission as provided by the statute.

The previous provisions of the statute on this subject had been highly valuable, but these were greatly strengthened by the subsequent amendments of March 2, 1889. Under the operation of the statute as thus amended rates have been more steady than before. The temptation to preferences by sudden cuts for the benefit of some dealers and at the expense of others, and resulting as a preference in the transportation of certain kinds of traffic over other traffic, has been very greatly restrained. The posting of rates has been more clearly provided for, so that complaints on the part of shippers that they are unable to see these rates at depots have virtually ceased to exist. Prior to the adoption of the amendments of March 2, 1889, this was a fruitful source of complaint.

The Commission has rigidly enforced that provision of the statute found in one of these amendments in reference to notice on the part of carriers to the Commission of advances and reductions in rates, and finds that it has worked well. To the force of the statute as thus amended is unquestionably due, in a considerable measure, the decrease that has occurred in the reckless and wasteful rate wars among the car-



riers, resulting, as they inevitably do, in ruining the business of some honest dealers, building up the business of dishonest dealers, squandering the property of share-holders, and then endeavoring to recoup the loss sustained by their folly in subsequently charging the general public higher rates than before.

The system by which the tariffs of each company are filed separately in the office of the Commission, and a careful index of them kept so that they are of easy access or reference, has been greatly extended, and it is but the work of a moment to produce them for any necessary purpose, and to ascertain what the rates are from any point in the country to any other point. These tariffs are in many instances voluminous and their number is enormous. The number of tariffs received and filed during the year ending December 1, 1889, was 180,000. The changes in them are numerous and frequent, and it requires a large force to handle them. The regulation and supervision contemplated by the statute can never efficiently be made until the Commission is in a position to know promptly whether or not these tariffs, as filed, show on their face that they seem to comply with the law; and this is equally true of all proposed advances and reductions. To enable the Commission to perform this duty in the manner required by the statute, renders it necessary that the clerical force should be such that these tariffs, and all changes in them, can be promptly filed and indexed without any delay, and that the Commission may be able to see at once the nature and effect of proposed changes.

#### RAILWAY METHODS IN SHIPMENTS OF FREIGHT AND THE RECORDS THEY KEEP OF THESE TRANSACTIONS.

Other instances of investigations made by the Commission under the twelfth section of the act to regulate commerce have been referred to in this report, but in addition to these the Commission has investigated the business methods of railways in shipments of freight and the records they keep of these transactions with a view of ascertaining what they are and what changes, if any, have been made by carriers under the operation of the statute. Under an order of the Commission made on the 24th day of August, 1889, this investigation was made by Mr. C. C. McCain, auditor of rates and transportation in the office of the Commission. His report will be found in Appendix 5 of this report. His report shows the business methods and the records kept by carriers of their business transactions in shipments of freight. These methods and records are substantially much the same as those in existence prior to the enactment of the act to regulate commerce, though continual improvements are being made in such matters by the carriers, and this will continue to be the case as practical experience will demonstrate its necessity in handling and moving the commerce of the country.



## PRINTING AND DISTRIBUTION OF REPORTS, DECISIONS, AND OTHER DOCUMENTS.

Section 14 of the act to regulate commerce (as amended) contains provisions as follows:

All reports of investigations made by the Commission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any common carrier that may have been complained of.

The Commission may provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use. \* \* \* The Commission may also cause to be printed for early distribution its annual reports.

The action of the Commission has been in compliance with these provisions.

Copies of reports of investigations have been distributed to those who applied for the same and to others to whom they would be of interest and service, in the opinion of the Commission, including Senators and members of Congress, attorneys having matters before the Commission, boards of trade, railway journals and newspapers, State railroad commissioners, and others.

Soon after the Commission was organized arrangements were made for the publication of reports and decisions of causes and investigations heard by the Commission, corresponding in form and style to the decisions of judicial tribunals. The material for these reports has been furnished to two publishing companies, and volumes have been issued on their own responsibility containing the reports and decisions of the Commission to March 25, 1889. The reports and decisions since that date will appear in forthcoming volumes, which will be issued in due course, as the material therefor accumulates. The Commission authorized the purchase of sufficient copies of these reports as issued for its own use and distribution to the President and his Cabinet, judges of Federal courts, national, state, college, bar, and some other public libraries, both American and foreign, to railroad commissioners, and some other officials.

Section 21 of the act to regulate commerce was amended March 2, 1889, so as to read as follows:

That the Commission shall, on or before the first day of December in each year, make a report, which shall be transmitted to Congress, and copies of which shall be distributed as are the other reports transmitted to Congress.

Under the provision first above cited an edition of the second annual report was printed and distributed as follows:

To the President and to Senators and Representatives in Congress; judges of United States courts; district attorneys of the United States; to boards of trade, chambers of commerce, and commercial exchanges of the United States; public library associations; universities and other educational institutions; parties and counsel in cases before the Commission; to leading newspapers of the country; railway and labor

journals; law publications and financial papers; to granges and agricultural societies; to the directors and other officers of railways in the United States; to the Executive Departments of the Government; to State railroad commissioners, and to foreign governments.

Of the proceedings of the general conference of railroad commissioners, the purpose and nature of which are elsewhere alluded to in this report, there were published some 3,000 copies, which were sent to the State railroad commissioners; to the principal officers of railway companies of the country, including the accounting and auditing officers, as the proceedings related in a measure to the methods adopted by the railroads in keeping their accounts and to the making of financial reports to the Commission, in accordance with section 20 of the act to regulate commerce.

Early in 1889 the Commission caused to be prepared and published an edition of 10,000 copies of the first statistical report, entitled "Statistics of Railways in the United States." This is a volume of 390 pages, prepared under the immediate supervision of the statistician of the Commission, compiled from reports of railway companies pursuant to the provisions of section 20 of the act to regulate commerce.

This report, which is further alluded to elsewhere herein, was distributed as follows:

To public libraries of the country, newspapers, railway journals, boards of trade, the principal officers of railroads; to the Executive Departments of the Government, United States Senators and Representatives, judges of United States courts, agricultural societies, State railroad commissioners, and other officials, and to many others who have applied for copies.

The above distribution of reports and proceedings of the Commission was made with the purpose of carrying out the evident intention of Congress in this behalf as indicated in the provisions of the act to regulate commerce, and manifestly has been of great value in familiarizing carriers subject to the act and shippers and the public generally with the law and the principles of justice and fair dealing which it intended should be applied to transportation.

Circulars and other documents have been sent out as follows:

Circular of January 31, inviting a general conference of railroad commissioners.

Circular of March 23, relating to amendment of the act.

Circular of April 1, relating to automatic car couplers.

Circular of April 10, relating to telegraph.

Circular of May 17; relating to Federal regulation of safety appliances.

Two circulars of June 17, relating to free cartage and trackage facilities.

Two circulars of August 1, relating to relations between railway corporations and their employes.

Act to regulate commerce as amended.

Amended and revised rules of practice.

Reports and opinions in cases before the Commission.

The total number of reports and other documents distributed during the year is over 90,000 copies.

#### STATISTICAL WORK OF THE COMMISSION.

The statistical work of the Commission for the year ending June 30, 1888, is fully explained in the report of Statistician Adams, which was published by the Commission some months since. In that report the statistician says of the information called for from the railroad companies that it may be classified under four general heads: First, questions are asked respecting the corporate history of the several roads and their organization for purposes of operation; second, returns are required bearing on the financial standing of railway corporations, whether they be operating or subsidiary corporations; third, what may be termed "statistics of operation" are demanded; fourth, statistics pertaining to the physical characteristics of roads are made the subject of inquiry. The object of the inquiry thus indicated may be easily perceived. The railway problem is one that presents itself in many phases, but at the present time there are two questions of more importance than all others. The first of these pertains to fair, uniform, and steady rates between the railways and the public for service rendered; the second, to the number and situation of new lines that can be economically constructed.

For neither of these questions is there as yet any absolute answer. General principles, it is true, may be laid down, but in the application of those principles accurate and detailed knowledge of conditions is essential, and the nature of the knowledge required is, as will be readily admitted, such as may be gained by the questions outlined in the form which is sent out for the annual corporate returns. The report shows in detail how far the call has been successful in obtaining the information desired, and explains some of the difficulties in the way of making it complete and accurate. The chief of these relate to the cost and value of railroad property, franchises, and equipment, and the statistician says that for reasons which he gives there is some plausible ground for saying that satisfactory and conclusive information respecting the cost of railways in the United States cannot be obtained. The chief difficulty in the way arises from the fact that reliable record evidence upon these points was in many cases never made and in some cases, after being made, has been lost or destroyed.

Five tables are appended to the statistician's report. The first table shows the length of line owned by each railroad company, the length of line operated, and whether operated by the company owning or by some other. In a preliminary report given in the second annual re-



port of the Commission the total railroad mileage of the United States was given at 152,781. Those figures were the result of an estimate based upon publications by private statisticians. This proved to be an overestimate. The statistician gives as sources of overestimation in railway mileage the following: Mileage may be easily multiplied in case a line or part of a line is used jointly or owned jointly by two or more operating companies; roadways lying partly out of the country, in Canada or Mexico, may be returned as roadways within the country; lines once operated but abandoned, as lumber roads, quarry roads, etc., may continue to be counted after they have ceased to form part of the country's railway system; street railways, operated in connection with steam railways, may be included in total mileage. A careful sifting of the returns received and of such other evidence as was found available fixes the total railway mileage in the United States, on June 30, 1888, at 149,901.72. The whole number of corporations owning railroads is given at 1,488. Of these 795 actually operate roads; the others are called in the report subsidiary roads, their lines being operated by other companies as lessees or otherwise.

Of the aggregate mileage above given 10,799.89 was obtained from what are designated as unofficial sources; in other words, from sources other than returns made to the Commission. For the most part, reports of the State railway commissioners supplied the information. It must be expected that there will always be difficulty in obtaining complete and accurate statistical information, so long as corporations owning lines which are entirely within single States do not recognize an obligation to make returns. It should be said for such corporations that they have in general responded to the call of the Commission, and have claimed no exemption; but in many cases, as will be apparent from the figures given, response has not been obtained.

The second table appended to the report gives the amount of railway capital at the close of the year ending June 30, 1888, under the three heads of stocks, funded debt, and current liabilities. The amount of stocks is given at \$3,864,468,055; of funded debt, \$3,869,216,365; and of current liabilities, \$396,103,311. This makes a total of \$8,129,787,731, being \$59,392 per mile of road. But this is for 136,883.53 miles of line only.

The third table gives a summary of earnings and income for the same number of miles operated. The amount for passenger service is stated at \$277,339,150, which was 30.46 per cent. of the whole; from freight service, \$613,290,679, or 67.35 per cent. of the whole; other earnings, \$19,991,391, or 2.19 per cent. of the whole. The total earnings from operation were \$910,621,220. The income from other sources, excluding credits sold, was \$89,506,471, making total income for the year \$1,000,-214,691.

In a fourth table is given a summary of expenditures for the year. From this it appears that there was paid for maintenance of way and

structures, \$131,447,859; for maintenance of equipment, \$101,659,972; for conducting transportation, \$299,049,713; for general expenses, \$55,601,045; not classified, \$4,245,067; making total operating expenses \$594,994,656. For fixed charges there was paid \$285,492,433. Total expenditures, \$880,487,089.

From tables 3 and 4 the following comparative summary of results was deduced:

Revenue per passenger per mile .....	cents..	2. 349
Average cost of carrying one passenger 1 mile .....	do....	2. 042
Revenue per ton of freight per mile .....	do....	1. 001
Average cost of carrying 1 ton of freight 1 mile .....	do....	. 630
Revenue per train mile, passenger trains.....		\$1. 139
Average cost of running passenger train 1 mile.....	cents..	84. 691
Revenue per train mile, freight trains .....		\$1. 657
Average cost of running freight train 1 mile .....		\$1. 038
Average cost per train mile of all trains earning revenue .....	cents..	96. 050
Percentage of operating expenses to operating income .....	do..	65. 340

The impossibility of thus apportioning revenue and expenses with entire accuracy is well understood, but the above is probably as near an approach to accuracy as is attainable.

A fifth table gives a statement of payments on railway capital for the year, from which it appears that upon \$2,374,200,906 of stock no dividend was paid, and upon the remainder there was paid as follows: Upon \$4,818,626, less than 1 per cent.; upon \$90,805,607, from 1 to 2 per cent.; upon \$46,775,644, from 2 to 3 per cent.; upon \$34,079,425, from 3 to 4 per cent.; upon \$318,690,245, from 4 to 5 per cent.; upon \$301,681,511, from 5 to 6 per cent.; upon \$264,402,331, from 6 to 7 per cent.; upon \$295,755,706, from 7 to 8 per cent.; upon \$76,473,650, from 8 to 9 per cent.; upon \$4,209,510, from 9 to 10 per cent.; upon \$48,459,100, from 10 to 11 per cent.; and upon \$4,006,800, 11 per cent. or over. Interest payments were made on 78.31 per cent. of the bonds, and none on 21.69 per cent.

The theory of a sixth table, which shall give a cash statement of financial operations for the year, and which may be regarded as the culmination of the plan to which all the other tables conform, is also presented, but it was found not possible to give the table itself in this first report. The abstract above given will be sufficient to show that the statistical work of the Commission has been satisfactorily begun; that the leading facts are now established with nearer approach to accuracy than ever before; and that there is reason to believe that the obstacles to obtaining reliable statistics regarding railroad property and railroad operations will from this time grow less numerous and troublesome from year to year.

The single-track mileage of new road constructed during the year ending June 30, 1888, by the companies which reported to the Commission, was 7,502.17. If the companies not reporting constructed new road in like proportion, the total would be 8,084.65; and this may be

assumed to represent very nearly the actual extension of lines during the year.

One of the chief difficulties in the way of obtaining accurate and reliable statistics of the working of railroads springs from the fact that the methods of keeping accounts vary so greatly. There is no good reason for the great diversity that exists. It has come largely from the different practices of different roads originating many years ago when the general subject was less understood than it is now, and which have continued in existence for no better reason than that the present officers of railway corporations have found them in existence at the time of entering upon their duties. Accounting officers of railroads very generally recognize the importance of uniformity in the methods of accounting, and in their meetings have considered the subject to some extent, and a very general desire is believed to exist that the Commission should act under the authority given to it by the twentieth section of the statute and prescribe uniformity in the methods of keeping accounts. The subject has recently been taken up by the Commission, and steps have been taken to obtain from the roads such information as may be necessary to enable the power of the Commission in this respect to be wisely and usefully exercised.

The statistical work of the Commission for the year ending June 30, 1889, will appear in detail by the report of the statistician now in course of preparation. This report is unavoidably delayed by the tardiness of some of the railroad companies in making their returns. The new railroad mileage constructed during the year can now be only approximately given and was about 6,500 miles, making the total railroad mileage of the United States to June 30, 1889, 156,400 miles.

It is of much interest to know how the operation of the law has affected the earnings of railroads. There are so many other causes, however, that exert more or less influence that exact conclusions can not be predicated from one cause alone. Full returns are also necessary for accurate and complete results, and as these have not all been received, only incomplete results can now be given. Enough appears, however, by official returns and from unofficial sources, to warrant the positive statement that as a whole there has been considerable increase in railroad earnings, and that during the year since the last report of the Commission every month has shown a marked, though not the same, increase over the corresponding month in the preceding year. The lowest rate of increase upon a given number of roads in any month was nearly  $4\frac{1}{2}$  per cent., and the highest was over 12 per cent., being the largest since the extraordinary rate of earnings in the year 1880.

It is to be noted that with the exception, perhaps, of some coal roads the increased earnings have been shared by the various groups or classes of roads in different portions of the country, and apparently in the following order: The Pacific Slope roads, the Trunk lines, the roads south of the Ohio and Potomac Rivers, the Southwestern roads, and in a less degree by those elsewhere.



There seems no reason to believe, therefore, that the effect of the law has been injurious to railroad earnings, but on the contrary that, notwithstanding the general lowering of rates from all causes and the equalizations and reductions of charges due especially to the just provisions of the law, railroads in the main have prospered with the general prosperity of the country, and show materially better earnings wherever excessive competition and the misconduct of managers in rate-cutting and other reprehensible practices have not inflicted injury on themselves.

#### THE GOVERNMENT-AIDED RAILROAD AND TELEGRAPH LINES.

Certain duties were devolved upon this Commission in relation to railroad and telegraph companies to which the United States has granted any subsidy in lands or bonds or loan of credit for the construction of either railroad or telegraph lines, by the act of Congress approved August 7, 1888, being chapter 772 of the acts of the Fiftieth Congress of the United States, Volume 25, U. S. Statutes at Large, page 382.

The act also imposes certain specified duties upon the railroad and telegraph lines referred to.

So far as this Commission is required to take action in respect to these companies and to secure the reports and information pursuant to the act, the Commission has endeavored to give effect to its provisions.

The general purposes of the act may be summarized as follows :

First, that every railroad and telegraph company aided by any subsidy from the United States in lands or bonds or loan of credit for the construction of either railroad or telegraph lines, and all companies engaged in operating such railroad or telegraph lines, should forthwith and henceforward, by and through their own respective corporate officers and employes, maintain and operate for railroad, governmental, commercial, and all other purposes, telegraph lines, and exercise by themselves alone all the telegraph franchises conferred upon them and obligations assumed by them under the acts making the grants of Government aid.

Second, that any telegraph company that may have accepted the provisions of title 65 of the Revised Statutes of the United States, which shall extend its line to any station or office of a telegraph line belonging to any railroad or telegraph companies referred to in the act, should have the right to connect its line and exchange business with such Government-aided companies.

Third, that each of the railroad and telegraph companies referred to in the act should file with this Commission copies of all contracts and agreements between it and every other person or corporation in reference to the ownership, possession, maintenance, control, use, or operation of any telegraph lines or property over or upon its right of way, and also to make a report describing with sufficient certainty the telegraph lines

and property belonging to it, and the manner in which the same are being then used and operated by it, and the telegraph lines and property upon its right of way in which any other person or corporation claims to have a title or interest, and setting forth the grounds of such claim and the manner in which the same are being then used and operated.

Fourth, that the said companies should also make annual report to this Commission, with reasonable fullness and certainty, the nature, extent, value, and condition of the telegraph lines and property belonging to them, the gross earnings, and all expenses of maintenance, use and operation thereof, and their relation and business with all connecting telegraph companies during the preceding year, at such time and in such manner as may be required by a system of reports to be prescribed by this Commission.

Prior to the passage of the act of August 7, 1888, it is believed that the various railroad companies that had been aided by the United States by subsidies for the construction of their railroad and telegraph lines, and that were required to construct, maintain, and operate telegraph lines, had availed themselves of the provisions of the nineteenth section of the act of Congress of July 1, 1862, in regard to Pacific railroads, by which such railroads were authorized to enter into arrangements with certain specified telegraph companies in lieu of constructing telegraph lines of their own, and by which it was enacted that—

If said arrangement be entered into, and the transfer of said telegraph line be made in accordance therewith to the line of said railroad and branches, such transfer shall, for all purposes of this act, be held and considered a fulfillment on the part of said railroad companies of the provisions of this act in regard to the construction of said line of telegraph. And, in case of disagreement, said telegraph companies are authorized to remove their line of telegraph along and upon the line of railroad herein contemplated, without prejudice to the rights of said railroad companies named herein.

The Commission believes that the telegraph business of the subsidized railroad companies in question was provided for by arrangements under this section, and was in fact done by the Western Union Telegraph Company, either under direct contracts with that company or as successor in interest to the other telegraph company specified in the act with which contracts were originally made. These contracts also contain provisions as to telegraph business other than that of the railroad companies, but not necessary to be restated herein.

None of the railroad companies or telegraph companies referred to in the act of August 7, 1888, made report to this Commission within sixty days from the passage of the act, as required by its sixth section. The Commission thereupon called upon the various companies, by circular, to file with the Commission copies of the contracts and agreements specified in the sixth section, and to report certain other facts set forth in the circular. This circular, published in appendix of second annual report, was duly served upon the various companies believed to be subject to the act.

The only responses to this circular were as follows :

The Northern Pacific Railroad Company filed a copy of agreement between the Northwestern Telegraph Company and the Western Union Telegraph Company of the one part and the Northern Pacific Railroad Company of the other part under date of May 1, 1880; and also of a supplemental agreement to the foregoing between the same parties under date of December 18, 1885; also a brief report in regard to the ownership and operation of the telegraph lines and property upon the right of way of said company.

The Southern Pacific Company filed a contract entered into between the Central Pacific Railroad Company, the Southern Pacific Railroad Company, the Sacramento and Placerville Railroad Company, the Northern Railway Company, the San Pablo and Tulare Railroad Company, the Los Angeles and San Diego Railroad Company, the Amador Branch Railroad Company, the Berkeley Branch Railroad Company, the Los Angeles and Independence Railroad Company, parties of the first part, and the Western Union Telegraph Company, party of the second part, under date of December 14, 1877.

The Sioux City and Pacific Railroad Company filed a copy of a contract entered into between said company and the Western Union Telegraph Company under date of April 1, 1871; also a brief report in regard to the ownership and operation of the telegraph lines and property upon its right of way.

The Union Pacific Railway Company filed a copy of a contract entered into between said company and the Western Union Telegraph Company under date of July 1, 1881.

The companies not having complied with the requirements of the circular as fully as was necessary the Commission, on the 10th of April, 1889, issued another circular, which was duly served upon the various companies, calling upon them for more complete and specific reports which circular is given in Appendix 6.

Responses to this last circular have been as follows :

The Union Pacific Railway Company filed a report in regard to the ownership and operation of the telegraph lines and property upon its right of way; also a statement showing the pleadings and certain proceedings in a suit pending in the circuit court of the United States for the district of Nebraska, brought by the Western Union Telegraph Company against the Union Pacific Railway Company.

The United States Telegraph Company and the Western Union Telegraph Company communicated by letter, denying that said companies are subject to the act of August 7, 1888.

The Sioux City and Pacific Railroad Company filed a report giving a brief description of its telegraph line.

The Northern Pacific Railroad Company filed a report giving a full and detailed account of the ownership and operation of the telegraph lines and property upon its right of way.



The St. Joseph and Grand Island Railroad Company (successor of the St. Joseph and Western Railroad Company) filed a report in regard to the ownership and operation of the telegraph lines and property upon its right of way.

The responses of the United States Telegraph Company, the Western Union Telegraph Company, the Texas and Pacific Railway Company, the Missouri Pacific Railway Company, the Hannibal and St. Joseph Railroad Company consisted only of letters respectively denying that the said companies are subject to the act. The Atchison, Topeka and Santa Fé Railroad Company also answered, denying that that company is subject to the act, but filed a copy of an agreement between said company and the Western Union Telegraph Company.

Pursuant to the provisions of the sixth section of the act of August 7, 1888, the Commission prepared a form, as set forth in appendix 6-a, for annual reports to be made by the railroad and telegraph companies referred to in the act, setting forth with reasonable certainty and particularity the various matters required to be shown by those reports, and on the 22d day of August last these blank forms were duly transmitted and delivered to the following companies:

The Atchison, Topeka and Santa Fé Railroad Company; the Atlantic and Pacific Railroad Company; the Central Pacific Railroad Company; the Northern Pacific Railroad Company; the Oregon and California Railroad Company; the St. Joseph and Grand Island Railroad Company; the St. Louis and San Francisco Railway Company; the Sioux City and Pacific Railroad Company; the Southern Pacific Company; the Union Pacific Railway Company; the United States Telegraph Company, and the Western Union Telegraph Company.

The various railroad companies to which blanks were so transmitted are believed to be subject to the provisions of the act of August 7, 1888, either by reason of subsidies directly granted to them by the United States Government or by the acquisition of or consolidation with lines of road to which such subsidies have been granted.

The Western Union Telegraph Company is believed to be subject to the act, not by reason of any direct subsidy granted to that company, but by reason of the acquisition by contract of the franchises and rights of other companies that had received Government subsidy, whereby the former became subject to the obligations of such companies.

The United States Telegraph Company is believed to have been a subsidized company, but, although its corporate existence is still maintained, its franchises are controlled and its lines operated by the Western Union Telegraph Company.

The Central Pacific Railroad and the Oregon and California Railroad are controlled and operated by the Southern Pacific Company.

The only railroad companies that have yet made an annual report to the Commission, pursuant to the forms transmitted, are, first, the

Sioux City and Pacific Railroad Company. The report of this company is imperfect and gives only a small part of the information called for by the circular. The main facts called for are not reported at all, but the report states in a general way that its telegraph line is not operated by the railroad company for commercial business, but is operated by the Western Union Telegraph Company; and also states that the entire capital stock of the railroad company is issued on account of all the property of the company, and that a division to show the cost and value of the telegraph property can not be made; second, the Northern Pacific Railroad Company, whose report seems to be as full as practicable, in view of the fact of its contract with the Western Union Telegraph Company.

The general result to be reported by the Commission is that all of the subsidized railroad companies referred to in the act have failed to comply with the provision of the first section that all of said companies should "forthwith and henceforward, by and through their own respective corporate officers and employés, maintain and operate for railroad, governmental, commercial, and all other purposes, telegraph lines, and exercise by themselves alone all the telegraph franchises conferred upon them and obligations assumed by them under the acts making the grants;" and all except the two companies above specified have failed to comply at all, and those two literally, with the provision in the sixth section requiring said companies to make annual reports to the Interstate Commerce Commission, setting forth "with reasonable fullness and certainty the nature, extent, value, and condition of the telegraph lines and property then belonging to it, the gross earnings, and all expenses of maintenance, use, and operation thereof, and its relation and business with all connecting telegraph companies during the preceding year, at such time and in such manner as may be required by a system of reports which said Commission shall prescribe."

It is proper to state that the Union Pacific Railway Company reports to this Commission that immediately after the passage of the act of August 7, 1888, it attempted to assume direct control over its telegraph line, and to comply with the provisions of the act, but was prevented from so doing by an injunction granted by the United States circuit court at the suit of the Western Union Telegraph Company, which suit is still pending.

The said act of August 7, 1888, is precise in its provisions that subsidized railroad companies shall "maintain and operate for railroad, governmental, commercial, and all other purposes, telegraph lines," and shall afford facilities to connecting telegraph lines "for the prompt and convenient interchange of telegraph business," \* \* \* "and afford equal facilities to all without discrimination in favor of or against any person, company, or corporation whatever, and shall receive, deliver, and exchange business with connecting telegraph lines on equal terms and without discrimination."

This Commission has never received an application to institute an investigation or make an order upon any railroad or telegraph company under the provisions of said act, and no complaint has come to the Commission on account of refusal of the Western Union Telegraph Company or any other subsidized company to connect with other companies in the reception or transmission of messages, except a communication in the nature of a complaint from Albert B. Chandler, president and general manager of the Postal Telegraph and Cable Company, in September, 1888. This led to a correspondence and inquiry which continued for some months, but no formal complaint or application followed.

It is also provided by the act last referred to, that in case any of said railroad or telegraph companies shall refuse or fail to make the reports mentioned in the sixth section of the act, or any report that may be called for by the Interstate Commerce Commission, it shall be the duty of the said commission to inform the Attorney-General of such cases of neglect or refusal.

Pursuant to this provision of the act the Interstate Commerce Commission, after waiting what seemed to it a reasonable time for the reports specified in the circulars above mentioned, reported to that officer the facts in respect to such neglect and refusal by said companies; and the Commission is informed that he has taken action in this behalf.

#### CONFERENCE OF RAILROAD COMMISSIONERS.

Early in the present year the Commission decided to invite a conference with the authorities intrusted with the supervision of railroad affairs under the laws of the several States and Territories. Many reasons had weight in inclining the Commission to take this action, some of which appeared to its members to be very cogent. The United States, by the act to regulate commerce, had entered upon the regulation of transportation by rail, but in doing so had made the descriptive terms as to the carriers to which the regulations should apply so precise and particular as to leave a considerable number unaffected. The act by its first section was declared to "apply to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad or partly by railroad and partly by water when both are used, under a common control, management, or arrangement for a continuous carriage or shipment from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States, and also to the transportation in like manner of property shipped from any place in the United States to a foreign country and carried from such place to a port of transshipment, or shipped from a foreign country to any place in the United States and carried to such place from a port of entry either in the United States or an ad-



jacent foreign country," but an important proviso was added, "that the provisions of this act shall not apply to the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property wholly within one State, and not shipped to or from a foreign country from or to any State or Territory as aforesaid."

Many railroad corporations, whose lines are wholly within single States and who manage them independently, are supposed by the force of this proviso to be altogether exempt from the provisions of the act, and to be left for regulation—if regulated at all by public authority—under State or Territorial laws. Some of the carriers who may thus plausibly claim exemption owned roads which were not only important because of the very considerable capital invested and of the magnitude of business done upon them, but also because, whether operated independently or otherwise, their relation to interstate roads and to the traffic upon them was such as to make it imperative that they should be taken into account in any comprehensive survey of interstate transportation. Moreover, in the nature of things, it was impossible to classify State and interstate roads upon any distinction that was at once obvious and permanent; neither physical characteristics nor location, nor indications afforded by the mere appearance of the traffic, furnished a conclusive test for the purpose; they did not in any way stand apart from each other so as obviously to constitute separate systems. Then a road might be a State road one year, and without any change except such as should be made in traffic arrangements, be an interstate road the second year, and a State road again the third year; and in any attempt to give comparative views from year to year this likelihood of changes from one class to another was a fact that was necessarily embarrassing, since it was easy to see that it was liable to cause confusion and perhaps lead to serious errors.

The consequent difficulties were increased by the fact that State laws for the regulation of State carriers differed from the act to regulate commerce in important particulars. This, of itself, would be unfortunate, even if it caused no embarrassment in the performance of duties by Federal and State roads. It was obviously desirable that the duties and obligations imposed upon all the carriers should be substantially alike, and that the laws for regulation should, as nearly as possible, be identical. The embarrassment resulting from diversity in State and Federal action was perhaps greatest in respect to the matter of statistics. To make these of value it was essential that they be complete and accurate; and they could not be complete and accurate unless the returns made annually by the carriers were all made in response to the same questions and covered the same grounds. If all the carriers by rail made returns to this Commission, the end desired might be expected to be accomplished; but if some of them claimed exemption by reason of being State roads, the effort to obtain full statistics would fail, unless returns under State laws could be resorted to for supplying de-

ficiencies. Many of the carriers did, in fact, claim such exemption, but responded to the call of the Commission as matter of courtesy.

It was found, however, in some cases that though a willingness to make return existed, it was impracticable to do so, for the reason that the books and accounts, which had been planned and kept with a view to meeting the requirements of State law and State regulation, would not enable the carrier to meet the call made by this Commission except at great expense. This was most noticeably the case when the financial year covered by the return made to the State was different from the financial year to be embraced in the return to this Commission; under such circumstances one return could not be a mere copy of the other, but would require a special sifting and a new arrangement of accounts, and this would involve an expense which the carrier could hardly be expected to incur as matter of courtesy merely. The impracticability of obtaining complete statistics of the railroads of the country and of their financial and other operations when their returns were not all made on the same basis was as manifest as it was embarrassing. To take as an illustration the important fact of current railroad building, which perhaps interests the general public quite as much as any other; it will be readily understood that it must be quite impossible to give the amount of railroad building for a specified year when the returns of some of the carriers cover the defined year, while others embrace years differently beginning and ending.

The proposed conference had these matters specially in view, but not these exclusively. The importance of harmony in State and Federal law and regulation, so that for the whole country the rule of conduct in the management of railway transportation should be the same was too great to be overlooked, and the Commission believed that such a conference might be an important step towards the desired end.

On the 31st day of January last, the Secretary by direction of the Commission issued a circular letter inviting participation in a general conference of railroad commissioners to be held at the office of the Interstate Commerce Commission, on the 5th of March following. The letter specified as among the subjects which might be properly considered—

*Railway statistics*, with special reference to the formulation of a uniform system of reporting.

*Classification of freight*, its simplification and unification.

*Railway legislation*, how to obtain harmony in.

*Railway construction*, should regulation be provided?

And such other topics affecting State and interstate commerce as should be brought forward by members of the conference, the specification made not being designed to exclude the consideration of any other subjects of common interest. It was stated also that an opportunity would be afforded for consultation in respect to the heating and lighting of cars, automatic car coupling, continuous train brakes, and other matters now more particularly within the sphere of State

authority. And papers were invited from members of the conference upon any topic deemed of importance.

The invitation was sent to the railroad commissioners of the several States and Territories having commissions; to the board of tax assessors of Arkansas, Indiana, and New Jersey; to the secretary of internal affairs of Pennsylvania; to the secretaries of State of North Carolina and West Virginia, and to the governors of such States and Territories as have not by law given a supervision of railway affairs to commissions or other public boards or functionaries. The Association of American Railway Accounting Officers was also invited to send representatives, their presence and assistance being specially desired when the subject of annual returns and the forms for securing them should be under discussion. In the invitation to the Association it was stated that it has been the constant desire of the Commission to obtain the utmost harmony of action in respect to the subject of railway statistics, and also to avail itself, as far as possible, of the intelligence and experience of practical railway accountants.

On the day appointed for the meeting it was found that the invitation had been very generally accepted. Nearly every State and Territorial railroad commission was represented, as was also the department of internal affairs of Pennsylvania; the American Railway Accounting Officers, by its president and other officials. In an address of welcome on behalf of the Interstate Commerce Commission, made on calling the meeting to order, the reasons for the conference and the subjects to be considered were thus stated by the Chairman:

It gives me great pleasure, on behalf of the Commission of which I am a member, to welcome you to this place. We are all engaged in kindred work, and not kindred work merely, but in a large degree in the same work. You have your respective spheres of action, limited in territory and by legislation, and we have ours which is intended to be as nearly as in the nature of things is possible, distinct and separate. But if the Union of which we are all citizens is in a political sense one and indissoluble it is even more distinctly so in respect to the great interests which are committed for regulation to your respective Commissions. What is often spoken of as the railroad system of the United States is an illustration of unity in diversity such as it would be difficult to find elsewhere in the world. Every railroad corporation is in a legal sense independent of all others, and when its line is wholly within the limits of a single State, and it is operated independently, the laws make no provision for any other than local regulation. But there is scarcely a line of road in the country so short or so insignificant that the method in which its operations shall be conducted is not of something more than local importance, or the character of its regulation of some concern to business interests beyond the State limits. It may be a link in a long line extending through two or more States; it may be the principal or perhaps the sole means of transportation for the products of a mine or other important industry which supplies many States; but whether of greater or less importance, it has relations to other roads which are not and can not be wholly limited within any political division of the country, however extensive it may be. Even the little Catskill Mountain railroad, by the issue of coupon tickets to San Francisco, may in a sense become a part of a transcontinental highway, and the citizen from the Pacific coast who applies for one of the tickets has an interest in the treatment he shall receive in respect to it which is precisely the same that it would be if all the roads of the country were one in ownership and in management.



I mention these things for the purpose of emphasizing the fact which is constantly before us in all of our work, that in respect to all the railroad interests of the country—to the lines that you regulate and to the lines that come more particularly under our own supervision—it is of the highest importance that there should be harmony in the legislation of control, so that this system can be controlled as nearly as possible—as nearly as the local conditions of the country will enable it to be controlled—harmoniously and as a unit.

There are two matters of particular importance that it seemed to us it would be desirable that we be enabled to confer with you. One is the matter of statistics. We are giving a great deal of prominence to the railroad statistics of the country; we are endeavoring to make them as complete as possible. In order that they shall be made complete it is necessary that we should have your co-operation. I shall not pause to enlarge upon this at this time, because when you shall have become organized and the proper opportunity can be afforded our statistician will appear before you and will present some points for your consideration connected with this general subject, and I think you will be satisfied when you shall have heard the paper he will present—if you are not satisfied already—that it is of the utmost importance that we should be moving upon the same lines in respect to the railroad statistics of the country; that our respective methods for collecting the statistics should look to the like results; that the legislation in respect to them should be as nearly as possible identical, or at least be harmonious, and that we should make sure when we use the same terms in gathering statistics—terms, for example, like “through freight,” “way freight,” and others, many illustrations of which I might give—that we are using them in the same sense, so that when we gather the statistics and place them before the public they should represent actual facts, be reliable, and therefore have value.

Another matter, which it has seemed to us we ought to have some conference about, is the subject of uniform classification. You have all felt, I have no doubt, the annoyance we feel constantly growing out of the complaints that have their origin in the diversity of classification which prevails in different sections of the country. Now, those complaints ought to have their foundation removed as nearly as is possible without injury to business interests. The problem of doing this is a difficult one; so difficult that it is not uncommon that the most experienced railroad men in the country when spoken to upon the subject say at once, “A uniform classification is entirely out of the question; it is absolutely impossible.” Now, we do not feel that it is so. Our impression has been that the uniform classification was something that in time the country must have; that it was something not to be forced, something that could not be brought about at once, but something that if the several railroad commissions of the country would co-operate in could gradually, somewhat slowly, but gradually and by steady movement be at length accomplished; and that when it was accomplished, although inevitably some evils must attend the great change from what now exist to general uniformity, yet after all the general interests of the country would thereby be benefited.

In the circular we sent out calling this meeting we have given special prominence to these two topics, but without any purpose of limiting in any way such action as you may see fit to take here. The meeting, when it is organized, will of course be in your hands. We desire to meet with you as listeners, as learners. Many of you have been in this work very much longer than we have, and probably there is not one of you but has some experience that will be valuable to us if placed before us. And we desire that you should understand at the outset that while ready and willing to co-operate in your conference to any extent that may seem desirable, our attitude on the whole will be that of learners rather than of participants.

The conference was organized by appointment of officers, and remained in session for three days. The first subject considered was that of uniform railway statistics.

## UNIFORM RAILWAY STATISTICS.

Upon that subject the statistician to the Interstate Commerce Commission read a carefully prepared paper, which is given in an appendix to his first annual report to the Commission, and for that reason is not reproduced here. The paper had for its object to show the great importance of uniformity in railway statistics, the difficulty of procuring them, the inaccuracies resulting from the existing methods of making corporate reports, the remedies that may be available for preventing these in the future, and the absolute necessity for harmony in State and Federal action in regard to corporate returns, if trustworthy results were to be looked for.

The general subject was very fully discussed by members of the conference, a diagram was exhibited which showed the diversities in the laws or official regulations of the various States and Territories in respect to the time for making railway returns and also as to the information called for. It was also shown how far the State and Territorial requirements differed from those made by the Interstate Commerce Commission in the form for a return which it had prescribed. After discussion the following was adopted without dissent:

*Resolved*, That it is the sense of this convention that a uniform method of collecting and publishing statistics, both as to time and matter, should be adopted.

The conference then proceeded to consider the form for a return then in use by the Interstate Commerce Commission, and went very carefully and critically over it with a view to seeing whether by modification thereof in any particular it could be made more completely to answer the purposes for which it is sent out. In most particulars the form was approved as satisfactory. Some few changes were recommended, and with these made it was generally agreed that the form would not only be suitable for all the purposes of gathering statistics for the use of this Commission, but would be equally adapted to the work of the State commissions, and might well be made use of in substitution for existing State forms. In some States, however, express provisions of law regarding corporate reports would render modifications essential. The chief impediment to the adoption of the form in all of the States was found in the fact that they do not all name the same period for the close of the operating year to be covered by the return that has been fixed upon by the Commission. The Commission has named for that purpose the 30th of June. Ten States name the same day, others name different days. The desirability of uniformity in this regard was manifest, and wherever amendment to State laws was necessary to accomplish it, it was understood that such amendment would be advised.

The modifications in the form which were advised by the conference the members of the Interstate Commerce Commission at once gave assent to, and they were made in the form which was sent out for returns for the current year. There is every reason to expect, there-

fore, that hereafter the work of this and of the State commissions in the collection of statistics will be in general harmony, and that when any impediments that may exist in state laws are removed, the forms made use of for returns will be identical.

The conference also considered the subject of

#### UNIFORM CLASSIFICATION OF FREIGHTS.

This was acknowledged on all hands to be a subject of great importance, but also of great difficulty. The annoyances which were constantly resulting from the use of different classifications were well understood, but it was also understood that unification must to a considerable extent affect relative rates, and that to force it would necessarily be damaging to business interests in many sections. The result of the discussion was the unanimous adoption of the following conservative resolution :

*Resolved*, That we believe that still further advance toward uniform classification of freights will promote the welfare and convenience of shippers, and of the railroad companies, and we commend a conservative but persistent effort to that end.

The subject of

#### RAILWAY LEGISLATION, HOW TO OBTAIN HARMONY IN,

was taken up and discussed, and so far as opinions were expressed it seemed to be the unanimous opinion of those present that there was great desirability in having the State laws brought into conformity with the Federal law wherever that had not already been done. A committee consisting of George G. Crocker, of Massachusetts, O. P. Mason, of Nebraska, Henry R. Shorter, of Alabama, Samuel E. Pingree, of Vermont, and John T. Rich, of Michigan, was appointed upon this subject, with the understanding that it should report at a future conference.

Among the other subjects considered was that of

#### SAFETY APPLIANCES IN RAILWAY TRANSPORTATION,

and the discussions resulted in the unanimous adoption of the following :

Whereas thousands of railroad employes every year are killed in coupling or uncoupling freight cars used in interstate traffic and in handling the brakes of such cars, and most of these accidents can be avoided by the use of uniform automatic couplers and train brakes ; and

Whereas the success and growth of the system of heating cars by steam from the locomotive or other single source largely depends on the adoption in interstate traffic of an uniform steam coupler ; and

Whereas these subjects are believed to be of pressing importance, and within the proper scope of the powers of the Congress of the United States, while attempts on the part of the individual States to deal with them have resulted, and must continue to result, in conflicting regulations :

*Resolved*, That we do respectfully and earnestly urge the Interstate Commerce Commission to consider what can be done to prevent the loss of life and limb in coup-



ling and uncoupling freight cars used in interstate commerce and in handling the brakes of such cars, and in what way the growth of the system of heating passenger cars from the locomotive or other single source can be promoted, to the end that said Commission may make recommendation in the premises to the various railroads within its jurisdiction, and make such suggestions as to legislation on said subjects as may seem to it necessary or expedient.

Whereas it has been represented to this convention that the problem of an automatic electric safety signal has been solved ; and

Whereas, if said representation be true, said matter is of great moment to the traveling public :

*Resolved*, That we invite the attention of the Interstate Commerce Commission to said subject, and if, in its judgment, the inventions in relation to such signals are as represented, said Commission be requested to make such recommendations to the railroads and such suggestions as to legislation on said subject as may seem proper and necessary.

The resolution was adopted by a unanimous vote.

The subject of these resolutions is considered in another part of this report.

#### FUTURE CONFERENCES.

The interest in the discussions of the conference was continuous throughout, and at the conclusion it was felt that the meeting had been of great value and could not fail to have a strong tendency towards unity and harmony in the legislation and other public action for the regulation of transportation by rail. It was therefore deemed wise to follow up so promising a beginning by making provisions for future meetings, and this was done in the adoption of the following :

*Resolved*, That it is the opinion of the members of this convention that provision should be made for annual conventions of the railroad commissioners of the several States and the members of the Interstate Commerce Commission, to be held at such place as may be agreed upon, with a view of perfecting uniform legislation and regulation concerning the supervision of railroads.

The chairman of the Interstate Commerce Commission and Messrs. George M. Woodruff, of Connecticut, Frank T. Campbell, of Iowa, and John M. Mitchell, of New Hampshire, were chosen a committee to call the next convention.

#### ENFORCEMENT OF THE FOURTH SECTION OF THE STATUTE.

The general rule indicated by the fourth section of the act to regulate commerce, usually known as the "long and short haul" clause, at the outstart of its administration engaged the serious consideration of the Commission. Its importance and value to the public, as well as to the transportation interests of the country, were manifest. A few exceptions, such as were evidently contemplated by its provisions, were then recognized and announced by the Commission. The practical experience of considerably more than two years has not demonstrated the necessity of adding to these exceptions. The justice of the principle involved in the general rule has never admitted of serious question ; the

justice of the principles upon which the exceptions are based is equally apparent.

The temptation of carriers to add to the exceptions arising from competition in business, from the pressure brought to bear upon them by particular localities, and by the importunities and devices of large dealers, is, of course, one that, in the nature of things, is ever present, but all the time the steady power of the law has been doing its work, and this is seen in the gratifying progress that has been made by the carriers in the direction of compliance with the provisions of this section of the statute.

It was not to be expected that compliance with the requirements of this section could be accomplished without a very great change of methods existing previously to and at the time of the enactment of the statute, involving changes of rates at various points, loss of earnings at some of these points, and increased earnings at others, the extent of which, as a matter of estimate in advance, was in each instance problematical and involved in much uncertainty. The localities in which the greatest difficulty has been found in the application of the general rule have been in the territory of the transcontinental lines and the States south of the Potomac and Ohio Rivers, and States also south of Kansas and Missouri. The causes of this have heretofore been reported and discussed in our previous annual reports. Briefly stated, in the case of the transcontinental lines, it has been to some extent the actual and apprehended competition of the Canadian lines and of water competition, and also to the fact that in the intermediate portion of the long haul between the Pacific coast and the Mississippi and Missouri Rivers there are large portions of uninhabited country, with occasional points widely separated, where the traffic is so inconsiderable that it is served at a largely increased cost and expense to the carrier.

In the Southern States it is an extensive coast line, with ports reached by a large number of steam ship lines and coasting vessels, and the penetration of the interior by deep, navigable rivers to an extent that exists nowhere else in the country, and here the population is more sparse, and the traffic lighter than in the States north of the Potomac and Ohio Rivers, and the cost of service at intermediate points correspondingly greater. While it is true that there yet remain many instances in which the existing exceptional difficulties can and must be further overcome by carriers in each of these localities in the direction of a nearer compliance with the fourth section, yet it is also true that since our last annual report very considerable progress has been made by them on this line. The business of localities, no less than of the carriers, is growing to the law, and all this strengthens its operation and administration. Results for the better are, upon the whole, everywhere reached in the transportation rates and methods of carriers.

To those who may suppose that no very good reason can be given why

all disparities and inequalities of rates and methods may not be discovered and corrected as fast as they exist by a tribunal appointed by Congress for that purpose, it may not, perhaps, have occurred that the railroad mileage of the United States, if it could be transposed into that shape, would make six parallel lines of railroad around the earth. Over this net-work of public highways, in extent without parallel, in diversity equal to its extent, and constantly increasing, the vast commerce of the United States is, in one way or another, transported. The competition of carriers and localities contend for it with ceaseless energy. Its transportation is environed by different circumstances and conditions at many points in the wide confines of the Republic. That, growing out of this condition of affairs, inequalities and disparities of rates, for which plausible, but not lawful, reasons on the part of the carriers can always be given, must occasionally occur even where the carriers who make them are animated by the best of motives, and that objectionable methods may in like manner be adopted by them occasionally, is one of the inevitable features of such a situation.

The statute which provides for the regulation of these rates and methods prescribes rules of conduct for the transaction of an amount of business that no other statute has ever done; and if it be true, as is the case, that every other statute which prescribes methods and rules of conduct for the transaction of business, to any considerable extent, has been occasionally violated, thereby furnishing employment to the courts of the country for a large portion of their time, it would seem not to be strange that there are here and there many failures to comply with the provisions of the act to regulate commerce, that require laborious and patient investigation to correct them. But the feature of the statute that renders the regulation it contemplates practical is that it prescribes plain, general rules, just and fair in themselves, which are for the most part declaratory of the common law, and creates a tribunal before which the voice of the citizen; or of the community or the carrier, may always be heard to challenge rates and methods that involve unjust discrimination, extortion, or unlawful preference in an informal and comparatively inexpensive way; and goes further by requiring this tribunal, at all times, as a matter of duty, to keep a watchful supervision over these rates and methods; to which is added the power of the courts.

A case of much interest, arising under this section and illustrating its operation, was recently brought to our attention. It involved the question of relative rates on lumber from two far interior points in the Southern States to the city of Boston. The usual excuse for discrimination, that there was far distant water competition of supposed controlling force, was brought forward by the carrier to justify the lower rate on the longer haul. But in addition to this the carrier attempted to justify the lower rate for the longer haul chiefly on the further ground that in the case of the longer haul the lumber had already paid a local rate from



the interior point of origin to a common or competitive point as a market before it was afterwards transshipped over the longer haul to Boston, and insisted that this ought to be taken into consideration as part of the lower rate from this competitive point to Boston, and the rates were thus made to equalize them as between these respective localities. The interior point from which shipments were made and which was challenging these rates before the Commission, was neither a common nor a competitive point, but it was several hundred miles nearer to Boston than the competitive point from which the lower rate was given, and was on the same line, and in the same direction over which the lumber was in each instance transported by the carrier to Boston.

An investigation showed that it was simply a case of a shipper from one interior point shipping his lumber first to one competitive point, a large city, and trying the market there, and afterwards, by another shipment, availing himself of the lower rate made by the carrier from such competitive point to the city of Boston, while the shipper of lumber at the interior point on the same line and in the same direction, but several hundred miles nearer to the city of Boston, was required to pay a higher rate. Accordingly the Commission held that the lower rate for the longer haul was not justified, and directed that the rate at the interior point nearest to the city of Boston should be reduced below the rate for the longer haul, which was done.

#### UNIFORM CLASSIFICATION.

It becomes our duty to report the progress that has been made by interstate carriers in reference to the subject of uniform classification, and in doing so it is to be regretted that the results attained have not been equal during this period to what the indications then existing led us to expect might be accomplished at the time of the presentation to Congress of our second annual report. At that time a call had been issued by a conference consisting of representatives from each of the leading traffic associations of the country, dated November 15, 1888. In that conference it had been agreed that this call should be made for a meeting of officers, agents, and representatives of each of the great freight associations of the country in the city of Chicago on the 4th of December, 1888, for the purpose of determining what progress could be made toward unifying the several freight classifications then in use. Delegates from each of these associations were appointed to that meeting, and there were eight of these traffic associations. The attendance was of a character to fairly entitle the conference to be considered national in its representation. The Pacific, the South, the West, the Middle, the East, and the New England States had representation.

At this meeting two days were spent in discussing the subject under consideration, and finally resolutions were adopted to the effect that in the opinion of the committee greater uniformity in classification of freight is both desirable and practicable, but that the magnitude and

diversity of the interests involved are such that strict uniformity can not be reached by forced or hurried measures without producing conditions disastrous to the business interests of the country, while it may be closely approximated without danger to these interests by frequent conference and constant effort by the carriers to remove the disparities in the several classifications now in use; and that the progress in the past in this direction attests this view. A standing committee, composed of two members from each of the traffic associations, was appointed for the purpose of unifying as rapidly as possible the several classifications in use. The committee was instructed to first endeavor to combine the existing different classifications in one general classification by the use of such number of classes as would prevent conflicting commodity as well as class rates in the several sections of the country, without sacrificing the proper interests of the carriers.

The committee organized, met after the adjournment of the general meeting, and agreed upon methods of procedure for the first regular session, to be held in Chicago February 5, 1889, at which time the committee met with a full representation, either in person or by proxy; and this session lasted seven days. After three days spent in discussion the committee agreed upon rules and regulations necessarily preceding a classification, and the remaining time was spent in discussing questions of classification. The committee, however, divided upon the question of representation as between the West and the East, the Western representatives claiming that they did not have sufficient representation. After this, and when the committee met in New York, in June, 1889, the four delegates from the Texas and Transcontinental Associations and from the TransMissouri Association had withdrawn. But notwithstanding this the committee met in Saratoga in September, 1889, and continued its work, and after a four days' session adjourned to meet in New York during the same month, at which place a session of one day was held. Afterwards the committee met in Washington, D. C., November 19-23, where the work assumed much of a routine character. The list of articles to be placed embraced nearly six thousand items, and in many cases involved protracted discussion. The committee is yet far from having completed its work.

The members of the committee are of the rank of general freight agents, on the idea that judgment and experience in traffic matters are requisite to the proper performance of the task assigned. The excuse made for the short sessions of the committee, as above outlined, is that the members of the committee are general freight agents and are busy men, upon whom large and pressing responsibilities, growing out of their official positions, constantly rest. The report of the committee, when made, will be merely recommendatory, and will go to the various traffic associations and carriers for adoption or rejection, as these constituent bodies may determine.

As stated in the first and second annual reports of the Commission, the difficulties and work connected with establishing a uniform classification or even approximating a uniform classification are indeed very great. The short sessions, however, devoted to this work at long intervals by the committee, the tedious delays, and the failure to reach a result that amounts even to a recommendation to the freight associations and carriers, who, after all, may accept or reject the work of the committee, would seem to indicate that much more might have been done by the freight associations and carriers if more time had been taken for this work, and that while recognizing, as they fully do, the importance of an approach to uniform classification, the freight associations and carriers have not yet taken such effective steps to reach that result within a reasonable time as is commensurate with its importance, though the good faith of the committee in their efforts is not intended to be questioned by anything said in this report.

While it is true that it does require men of judgment and experience, well versed in freight matters and in the business and interests of localities, to perform well the task of preparing such a classification, yet it would not seem to follow that the only person possessing such experience and capacity that could be found to represent each of the great freight associations would necessarily be a general freight agent; and if it be considered that the general freight agent's presence is necessary in the work of such committee, then it does not appear to follow that some other suitable arrangement can not be made by the carriers for the place of the general freight agent being properly filled by some other competent person temporarily while the general freight agent is engaged in the important work of preparing a uniform classification to be submitted to the carriers for their approval or rejection. A work of this character and importance, in view of the provisions of the act to regulate commerce and the general interests of the country, should be made the subject of more than a few days' meetings at long intervals from time to time during the course of a year. When such report is made as a recommendation, it will doubtless undergo the most careful scrutiny and revision at the hands of the carriers, and will be antagonized in many instances by local and special interests; and while this is a reason that it should be well and carefully prepared in the first instance, it is also a controlling reason that it should be framed at as early a period as it can reasonably be done.

Not only will it be true that the carriers will act upon the proposed uniform classification as a mere recommendation, but it is also true that after that classification is adopted, if it succeeds in approximating uniformity in the treatment of the bulk of the tonnage interchanged between eastern, western, and southern roads, and should be adopted and made effective upon the lines operating between the Atlantic sea-board and the Rocky Mountains, complications to some extent may still arise on account of the different classifications maintained



on local traffic within State limits in some of the States. Confusion would, to some extent, certainly follow if by the use of an interstate classification at the point of junction with a State classification the two could be combined to make a lower total charge on a shipment from the point of origin to destination within the State in question. On shipments carried through a State, in which conflicting classifications would govern, to a point beyond such State, the intermediate classification of the State would not interfere; but on shipments within State limits some embarrassments from these causes might follow.

We do not believe, however, that any serious trouble in this respect need be anticipated, inasmuch as, consistently with the demands for greater uniformity in freight classifications which have proceeded from the various sections of the country and have by none been supported with greater vigor than by the State boards of railroad commissioners, the latter would doubtless find it to their convenience and would cheerfully accommodate their regulations to those which, by reason of their approach to uniformity, would be likely to claim the stamp of national approval and general utility. If the carriers engaged in interstate commerce agree upon an established and uniform classification of freight, or what is a near approach to such uniformity, with perhaps here and there a few commodity tariffs, it could hardly be said to be a supposable case, until the contrary is demonstrated, that exceptional State classifications in a few of these States will be permitted to stand as obstructions and disturbing elements to the free flow of the commerce of the country and the regulation provided by Congress for this commerce.

Regarding the character of this work, its importance, the time necessary for doing it and putting it into effective operation, and those by whom it could most properly and should be done, a report and discussion of these now would only involve what has heretofore been said after the most careful consideration of the same matters in our previous reports, and to which nothing substantially new could be added. Yet no consideration of the subject can be intelligent, just, and fair which would leave out of view these features of it. In this connection, and as the entire subject is one of very great interest and importance, we would again submit as part of this report extracts from what was said by us in regard to it in our first and second annual reports.

In our first annual report we referred to this subject as follows:

It is greatly to be regretted that the same classification is not adopted by the carriers by rail in all sections of the country. The desirability of uniformity is so great that the suggestion is frequently heard that national legislation should provide for and compel it. If such legislation should be adopted it would be necessary to empower some tribunal to make the classification, and the difficulties which would attend the making would be very great. Relative rates would be involved in it, for classification is the foundation of all rate-making. It was very early in the history of railroads perceived that if these agencies of commerce were to accomplish the greatest practicable good, the charges for the transportation of different articles of freight could not be apportioned among such articles by reference to the cost of transporting them severally, for this, if the apportionment of cost were possible,

would restrict within very narrow limits the commerce in articles whose bulk or weight was large as compared with their value.

On the system of apportioning the charges strictly to the cost, some kinds of commerce which have been very useful to the country, and have tended greatly to bring its different sections into more intimate business and social relations, could never have grown to any considerable magnitude, and in some cases could not have existed at all, for the simple reason that the value at the place of delivery would not equal the purchase price with the transportation added. The traffic would thus be precluded, because the charge for carriage would be greater than it could bear. On the other hand, the rates for the carriage of articles which within small bulk or weight concentrate great value would on that system of making them be absurdly low; low when compared to the value of the articles, and perhaps not less so when the comparison was with the value of the service in transporting them.

It was, therefore, seen not to be unjust to apportion the whole cost of service among all the articles transported, upon a basis that should consider the relative value of the service more than the relative cost of carriage. Such method of apportionment would be best for the country, because it would enlarge commerce and extend communication; it would be best for the railroads, because it would build up a large business, and it would not be unjust to property-owners, who would thus be made to pay in some proportion to benefit received. Such a system of rate-making would in principle approximate taxation; the value of the article carried being the most important element in determining what shall be paid upon it.

Accordingly, and for convenience and certainty in imposing charges, freight is classified; that which comes in one class being charged a higher proportional rate than that which is placed in another. But other considerations besides value must also come in when classification is to be made. Some articles are perishable, some are easily broken, some involve other special risks in carriage, some are bulky, some specially difficult to handle, and so on. All these are considerations which may justly affect rates, and therefore may be taken into account in classification. But still others have been found potent. Every section of the country has its peculiar products which it desires to market as widely as possible, and is not unwilling that classification should be made use of by the railroads which serve it as a means of favoring and thus extending the trade in local productions; favoring them by giving them low classification and thus low rates, and discriminating against those of other sections through a classification which rated them more highly.

It has been in the power of every railroad to have a classification of its own; but the necessities of an interchange of business have brought about agreements, and the railroad associations have been given the authority to make classifications for all their members. Their labors in this direction have been extremely important and useful; they have been steadily reducing the number of different classifications in the country, and steadily approaching a condition of things in which there will be one only. But in these associations, when in session for the making of rates, each railroad official has, to some extent, had the district which was served by his road behind him; he has felt the pressure of the interests there, and contended for them as against the interests in classification represented by others, not only because it was desirable that the road should favor the policy its patrons favored, but also because the same policy was likely to be beneficial to both.

The result necessarily is that a classification made by a railroad association represents a series of compromises, to which not only the railroads are parties, but in a certain sense business interests and sections of country also; these in many cases being admitted by their representatives to the consultations upon a subject so vitally concerning their interests, and allowed to present their views. This contention of interests still continues to go on in the meetings and conferences, but with a steady tendency in the direction of one uniform classification, and there is reason to hope that without much further delay all classifications will be brought into harmony. If any other tribunal were to be given the authority to make classification, it must,

if it would exercise its power wisely, proceed in much the same way; it must act deliberately, give all interests an opportunity to be heard, take into account all the considerations which ought to bear upon it: cost of service, interest of sections, equity as between industries and between classes of persons, and so on indefinitely.

Whether, therefore, the steady tendency in the direction of one uniform classification would be hastened by conferring the power to make one on a national commission is not entirely certain. The work if taken up anew would be one requiring much time for its proper performance; it would involve a careful consideration of the interests peculiar to different sections of the country, and a close study of the conditions of railroad service as they bear upon such interests. But these conditions change from month to month; the classification can not be permanently the same, but must be subject to modification on the same grounds on which it was originally made; the appeals for modification would be as numerous as they would be perplexing, because of the diversity of reasons on which they would be grounded. Under the law as it now is the Commission has appellate powers to correct any unjust classification, and it will keep in view the desirability of general uniformity and do what it properly can to bring about that result.

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And again in our second annual report we referred to this subject as follows:

In the first annual report of the Commission attention was called to the fact that rates for railroad transportation are to some extent adjusted on principles analogous to those on which taxes are laid: the articles or the interests that can least afford to bear such burdens are given the benefit of low rates which the carriers can not afford to give to all, and higher proportional rates are levied upon the articles and interests which would feel the burdens less. This method of adjusting rates has been and is of very high value to the country; indeed, it may be said to be indispensable.

The business of a railroad company as a carrier of freight is to exchange for the people the products of different sections and countries, and this exchange, as to many commodities in a country so large as ours, or indeed in any considerable country, would be restricted to comparatively small sections if articles which are at once bulky and cheap and articles which in small compass comprise very great value were alike charged rates for transportation which disregarded the value as an element of estimation, or took it into account only so far as reasonable insurance against loss or injury might render prudent. Railroad managers very soon discovered that they could not measure their rates exclusively by the standard of cost of carriage of the several kinds of traffic, separately considered; but it was wise for themselves and best for the country that the cost of carriage be considered in the aggregate and that the rates which are to be the compensation for the service performed be then apportioned on special consideration of the value of the service to the kinds of traffic severally. Such an apportionment would seldom be burdensome to articles of high value, but it would relieve cheaper articles from burdens which, if apportioned strictly to the cost to the carriers of their transportation, would render carriage for considerable distances out of the question.

But a practice based upon any such general principle will almost inevitably in its application be subject to many exceptions. Every railroad serves a certain territory, and every part of the country has to some extent interests to be served which are special and peculiar to it, and these it will naturally desire to have specially considered by local, official, and corporate authorities, whether the business in hand be the imposition of taxes or the adjustment of rates for transportation; and as many other circumstances besides cost of transportation and value must always be taken into account, such as bulk or weight of articles, convenience of handling, special liability to injury and necessity for speedy delivery, and the field of production or of consumption, so that there can never be any fixed or definite rule for the measurement of the charge to be made upon any particular traffic, it is always possible for the railroad manager



in making rates to yield something to the special interests of his section, and still keep in view the general principles upon which he will professedly act.

As rates are apportioned by means of classification of articles which are expected to be offered for carriage, a pressure from sectional and local interests has been continuously brought to bear upon the authorities making the classifications to have them so made that those interests may be favored which the roads to use the classification will more particularly serve. For the most part the classifications have been made by the carriers themselves; in a few instances they have been made by State commissions, but under influences corresponding to those which have influenced the carriers in the same work. The carriers, it may be assumed, have primarily consulted their own interests, but they have also at the same time consulted the local feeling and the local interests, and have commonly found that their own interests were best subserved in doing so.

The consequence has been that a great number of classifications have been in force in different parts of the country, some of them covering large and some small sections, some made for several but more made for single roads. In very many cases there were two or more classifications in force on a road; one for the traffic in one direction, another for that in the other, a third, perhaps, for the traffic coming from or going to a particular section of the country, and so on. The existence of so many was a great public evil, and it necessarily resulted in constant embarrassment in the interchange of traffic between the roads. The owners of the freights were more annoyed than the carriers themselves, for they were perpetually subject to the liability to be called upon to pay charges for transportation, which were greatly in excess of any which they had anticipated. Unexpected charges were likely to breed controversies and cause delays in transportation and delivery, and, in the minds of those unfamiliar with the subject of classification, there were often suspicions, based on appearances which afforded color for them, that the carriers were guilty of intentional wrong and unjustifiable exactions.

The principal classifications now in force are the Official, the Western, and the Southern Railway and Steam-ship Association classifications. The territory embraced by them severally may be roughly indicated as follows: The first, the territory east of Chicago and north of the Ohio River; the second, the territory west, north, and southwest from Chicago; and the third, the territory south of the Ohio and east of the Mississippi. It must be understood, however, that neither of them is exclusively made use of in the territory indicated. Commodity rates are given to a considerable extent in Pacific coast territory, especially upon through transcontinental business, and individual roads in all sections use classifications of their own when circumstances seem to require it.

Efforts in the direction of uniformity have continuously been made during the last year. The most important of these was through a conference of representatives of roads east and west of Chicago, whose sessions began in September, 1887, and extended to July 20, 1888. This conference it was hoped might result in merging the Official and Western classifications. That result was not accomplished, for reasons stated in a report adopted by the conference, and which is given in Appendix E.

It has seemed to many persons that to unify classifications must be a very simple task. What is classification, it may be asked, but the arrangement of the several articles of commerce under different heads, as pupils in a school may be arranged in classes for recitations, or as a farmer may send his stock for pasturage to different fields? But those most familiar with the subject of classification will be least inclined to look upon the making of a uniform classification as a very simple affair. It is very far from being a simple affair. It is, on the contrary, as difficult a task as under the ordinary operations of government is likely to be devolved on any person or any body of men. In its nature it corresponds closely to the making of the customs tariff for the country, but the necessity for going into particulars may be greater, for classification must reach every article of ordinary commerce, and it must

be framed on the understanding that for every one some burden is to be provided, though among them all there may be apportionment of burdens on some principle adjusted to the general good. And when it is understood that the classifications now in force have come into existence, to a very large extent, as an outgrowth of local and sectional feelings and interests, it will readily be perceived that the difficulty in prescribing uniformity is very much greater than it would be if the work could be taken up now unembarrassed by what has heretofore been done, and by the adjustment of business interests to classifications now in force. In fact, the difficulties are now so great that many intelligent persons in railroad service do not believe satisfactory unification is now possible. This is not, however, a universal belief; many practical railroad men hold a different view, and are now working to that end.

The Commission believes that all action taken on the subject should lead towards uniformity, but that to force it at once would be undesirable. In all consideration of the subject it must be borne in mind that the carriers are not the parties whom unification would most affect. Some carriers might gain and some, perhaps, at first lose thereby, but the most of them would be able so to adjust their rates that the losses would be inconsiderable, and would also be temporary. But the business interests of the country would have no similar power of self-protection. Unifying the classification means necessarily the placing of the same article in the same class for the purposes of rating in all sections of the country, with the effect as to some of them of lowering the rates greatly in some sections, while advancing them, in perhaps the like proportion, in others, so that, in the same business, while one dealer might be greatly benefited, another might be ruined. And what would affect injuriously a single dealer would in like manner affect all in the same line of business in the same section of country, and to some degree the country at large as well.

The carriers could not possibly protect against such a consequence; for while the rates would not necessarily be the same in different sections, the rates which any road imposed on one class would be identical, so that the power to adjust transportation charges with a view to local or sectional interests which now exist and is supposed to be of value would be taken away. And the relative change which would be effected in making uniform classification operative as to any particular business would be far more injurious, because of its affecting individuals and sections differently, than would any absolute increase in rates which affected alike and to the same extent all the traffic subjected to it.

The very first step to be taken by any one who should attempt uniform classification would be to make a study of the reasons from which the existing classifications have sprung. This study would need to be made in the territory which the classification covers. All existing classifications have resulted from many compromises. Pacific coast and Texas interests have compromised with those of the interior in the recent extension of the Western classification, and they would probably be forced to compromise further if the Official and the Western classifications were merged. But no one intrusted with the task of merging them would be excusable for making the attempt without better information to act upon than could be obtainable from a few witnesses summoned to Washington to give it.

Even in the territory whose interests may be supposed to be homogeneous, the Commission has encountered serious and earnest antagonism when classification was in question. One of the chief impediments to the merging of the Official and the Western classifications has had regard to car-load classes. The carriers east of Chicago and their patrons desire that there shall be very few; the carriers west of Chicago and their patrons very generally think it for their interest that there shall be a considerably greater number. The feeling on the subject was very well illustrated at a session held by the Commission in one of the Western States last year. Eastern merchants were moving to have car-load classification materially restricted. Several State commissions by concerted arrangement came to the meeting to express their strong and very earnest opposition. It was their belief that the measure pro-

posed; if it should be adopted, would be greatly injurious to the interests of the States they represented.

Without any previous knowledge on the subject an opposition of the sort could hardly have been anticipated, but such facts can not fail to impress the mind that to the proper performance of the task of unification it is indispensable that a somewhat extensive knowledge be first acquired not only of local interests, but also of the relation of those interests to interests of similar nature elsewhere. Nobody can acquire this knowledge from the public press, or from the reports of a few persons, however intelligent, who may be summoned to give information. He will need to feel the pulse, so to speak, of the several sections of the country; to make himself acquainted with their various interests, so that he may be able to judge how far any changes will affect them severally. In studying the effect he will be very sure to find that even locally the interests of the farmer, the manufacturer, the jobber, and the retail dealer are not identical, and that what would benefit one might harm the other.

The final adjustment of a uniform classification must necessarily be the arrangement of a great number of compromises. It may happen, therefore, that those who are now most earnest in desiring one will be most opposed to any that can be agreed upon. The Commission has received letters on the subject from intelligent business men, but who, having never investigated it, are evidently in error as to what can be expected as a result of what they ask for. Some of the writers appear to think that unification will be little more than extending the classification of their section, with which they are familiar, to the whole country, and will be surprised to learn that it can not be made without adopting features from other classifications which their sections have always objected to. But others desire uniform classification because they expect by means of it to get rid of the principle of considering the value of the service in making rates, and to have the cost of the service to the carrier made the measure of charge, or to have some other practice done away with that does not in its application work to their advantage. A manufacturer of doors and blinds, perhaps, looks to have his product classified with undressed lumber, and the manufacturer of patent medicines, who knows that his boxes can be carried as cheaply as the boxes containing merchandise selling for one-tenth or one-twentieth the sum-expects them to be so classified that they will be rated accordingly. But to any one familiar with the subject the impossibility of meeting such views will be obvious; it would not be for the general public interest that they should be met. This statement sufficiently suggests not the probability merely but the certainty that uniform classification will result in many disappointments.

The reasons above given are reasons for approaching uniform classification with some caution. There are other reasons for urging the carriers in the direction of unification, and not taking it out of their hands so long as they seem to be moving in that direction in good faith and with reasonable diligence. They have knowledge of the local interests which are represented in existing classifications, and their practical experience gives them special fitness for the task. Moreover, this course will have the further advantage that if complaints are made of the classifications the Commission will come to their consideration with minds unembarrassed and uncommitted by previous action of their own.

But it should be further understood that a uniform classification once made can not immediately be put into effect. Considerable time to prepare for it is absolutely essential.

First, it should be stated that the putting it into effect involves the sweeping out of existence of every rate sheet in the country and the making of new rate sheets by every railroad company. This requires an enormous expenditure in printing, which of course must in some manner be made up from the rates imposed. But the cost of preparing the rate sheets would be vastly greater than this. To determine what the rates ought to be on the several classes would be a labor of infinite difficulty.

Suppose a railroad manager, with the new classification put into his hands, were



to address himself to the task of determining what rates he ought now to charge in order that his company may collect the same revenue it has been accustomed to receive. First, he will perceive that the class rates should not be the same as formerly; the number of classes is probably different, but whether different or not, the position of articles in the classes is so different that the imposition of the same rates as formerly may either increase the revenue very greatly or may largely diminish it. In order to determine how this is likely to be it would be necessary to make careful study of the classification in the light of the past and probable future traffic of the road; not the traffic in bulk, but the traffic in each particular article, bringing together for further study the aggregate of articles now ranged in one class, and so going through with the classes successively. And when it is remembered that at the conclusion of his task very many of the patrons of the road will find their rates increased—on some perhaps largely increased—and that very many complaints are to be expected under any circumstances, the importance of avoiding the giving of just grounds for complaint will be so obvious and so great as to demand special care in that direction. All these are reasons rendering it almost imperative that considerable time be allowed for the making of this adjustment of rates after the classification shall have been completed.

But, second, the allowance of time for the adjustment is even less important to the rate maker than to the patrons of the road. If the rate maker errs in making the rates under such circumstances, the error is likely to be one which favors his road at the expense of its patrons; and when that is the case, though it may be corrected after some delay, business interests, which under any circumstances would suffer somewhat in the change, must then, for a time, be exposed to injury that with greater care and more deliberation might have been avoided. But any sudden change in railroad rates means a like change in values. A prospective change, publicly notified, the business man may prepare for with perhaps little or no injury to his business, but those whom a sudden change affects have no means of warding off injurious consequences.

The Commission sums up its conclusions on this subject by saying:

- (1) Uniformity in classification, as fast and as far as it can be accomplished without serious mischiefs, is desirable.
- (2) There is gratifying progress in the direction of unification, and it has been very marked within the last year.
- (3) So long as the carriers appear to be laboring towards unification with reasonable diligence and in good faith, it is better that they should be encouraged and stimulated to continue their efforts than that the work should be taken out of their hands.
- (4) In view of the mischiefs that would flow from sudden changes, ample time should be given for the purpose. Uniform classification can only be wisely and safely made by careful study and deliberate action, and the adjustment of rates to it needs corresponding caution and deliberation.

The views expressed by the Commission as to the importance of uniform classification, the difficulties connected with it, and the time and labor necessary to reach it and to put it into effect with safety, have undergone no change or modification as expressed in our previous reports. Since our second annual report, however, considerable progress has been made practically on the line of uniform classification by the absorption of special and exceptional classifications into those of the three chief classifications of the country, namely, the Official, the Western, and the Southern Railway and Steamship Association, as will appear by Appendix 7, made part of this report.

## COMPETITION BY CANADIAN CARRIERS.

The competition of Canadian common carriers is a factor of influence and increasing force in the transportation interests of the United States, and is not casual or temporary, but permanent. It was deliberately planned in the past, and has been advanced to its present state with persevering energy. Its agencies are natural and artificial water-ways, and great railroad systems constructed at large expense and materially aided by Government subsidies. Our Government policy authorizing American goods to be transported in bond over Canadian lines and to re-enter our country free of duty, thus putting the transportation upon an equality with that over our own lines, has assisted these agencies to business. Valuable assistance has also been afforded by our own citizens by direct investments in the construction of Canadian railroads and in building connections within our own territory with those roads, and leasing or otherwise surrendering control of these connections to Canadian companies. Concessions of rights of way over our soil have also been made.

The existence and character of Canadian competition are therefore largely due to friendly co-operation on the part of our own country, inspired as it would seem by a policy of business independent of national boundary lines, and regardless of rivalry by the subjects of a foreign jurisdiction. What is called Canadian competition, therefore, is the common use by our own citizens of Canadian carriers for business that might be done by our own carriers, and induced solely by commercial considerations.

The Dominion of Canada stretches from ocean to ocean like our own domain, and its great lines, located safely within its own border, have auxiliary lines and feeders at numerous points along the whole distance of nearly 4,000 miles, over which our products, moving from one part of our country to another, are transported in uninterrupted and increasing volume. Our whole northern border is penetrated by these connections. They exist in Maine and Vermont, and reach the whole of New England; they come into New York at several points; they traverse Michigan in many directions, reaching Wisconsin, and go through Indiana and Illinois; they are very effective in Minnesota, both on its eastern side and its northern frontier, and in the new State of North Dakota. On the Pacific side, they reach by water the States of Washington, Oregon, and California.

The main line of the Grand Trunk Railway, for American business, extends from Chicago, Ill., to Portland, Me. The Canadian Pacific road, with its connections, both in Canada and the United States, stretches across the continent from Halifax to Vancouver. It has, or soon will have, a direct line from Portland, Me., through New Hampshire and Vermont, to the Pacific coast, by connection with its main line at Newport and with other connections at intermediate points. It also has a

direct line to Minnesota south of Lake Superior over its connection with the Minneapolis, St. Paul and Sault Ste. Marie, usually called the "Soo Line," by which St. Paul, Minneapolis, and the country tributary to those cities are reached, and over the Duluth, South Shore and Atlantic Railway to Duluth, reaching the traffic of that city and its tributary region. The connection from Winnipeg to the Minnesota line, and then over the St. Paul, Minneapolis and Manitoba Railroad, gives it a through line for all east and west bound business between the Northwest and the Pacific coast; and freight and passengers between San Francisco, Portland, Port Townsend, Seattle, Tacoma, and points in the Northwest and interior of the United States, and all points in the eastern portions of the United States, are transported over these lines.

The Canadian Pacific Railway, by the recent extension of its line across and nearly through the center of the State of Maine to its terminus at Mattawamkeag, and thence by trackage rights from the Maine Central to Vanceboro, on the New Brunswick boundary, where it connects with the railway system of the maritime provinces of Canada, has a direct route to St. John and Halifax.

These are the general physical conditions of the competition in question. A detailed and more precise statement of the connections of Canadian carriers with the United States and the methods by which the transportation is carried on, together with the present American and Canadian competitive rates over these connections in force, is set forth in Appendix 8.

The reports of the Canadian Pacific Railway Company on file in this office do not show separately from its aggregate business the earnings and tonnage of its business with the United States. Its report for the year ending June 30, 1888—the last filed—shows a mileage of 4,661 miles besides the Southeastern Railway, its connection from Montreal to Newport, Vt., which has a mileage of 109 miles; a total capital of \$110,392,563; gross earnings, \$12,711,010; total freight tonnage, 2,321,957.

The connections controlled by the Grand Trunk Railway Company within the United States, as appears by the reports for the year ending June 30, 1889, embrace a mileage of 977.23; capital stock, \$42,371,807; gross earnings, \$6,193,781; and total freight tonnage, 3,773,831.

These statistics, however, are general, and do not show the kinds of traffic carried, nor its place of origin or destination. The freight from the Northwest, consisting of grain and grain products, beef and livestock, annually taken into the State of Maine alone for consumption and mainly brought over Canadian roads, exceeds 200,000 tons, and the exports through Portland of American products, carried by these roads, are considerable. The reported tonnage of the Atlantic and St. Lawrence Railroad, the Portland branch of the Grand Trunk, was 957,735 tons. What quantities were taken over Canadian lines and their connections



to Boston and other New England points, and to New York and Philadelphia, there are no statistics at hand to show, but the Boston traffic is probably 50 per cent. or more of the transportation for that city.

It is estimated that fully one-third of the through business of the Canadian Pacific to and from the Pacific coast consists of traffic furnished from the United States. The west-bound business going over the Canadian lines originates at various places in the New England and Middle States, and at the Northwest. These lines therefore compete for traffic moving in both directions across the continent, or across sections of it. The competition is consequently with all our east and west bound lines, both the transcontinental and trunk lines, and in nearly all the varieties of traffic.

The explanation for the diversion of such a considerable amount of traffic from our lines to the Canadian carriers is found in the rates charged. Our own lines, it may be assumed, make their competitive rates as low as they can afford to do the business at any fair profit, and, not having unrestricted liberty to charge less for a longer than for a shorter distance over the same line and in the same direction, to make good, if necessary, any loss on long-haul traffic by higher charges on local traffic, their rates must be adjusted to make some profit on all traffic, and be graduated to comply with the law.

On the Canadian roads, although the distances are almost invariably longer, and in many instances very much longer, the rates on all United States traffic are materially lower. By traffic arrangements between American companies and the Canadian companies differentials are allowed to the latter, which furnish an inducement to shippers to patronize those lines for freight for which the quickest transit is not urgent. These differentials are conceded to avoid rate wars, and they involve a diversion of whatever business the reduced rates may invite.

The concession to the Canadian Pacific on business between San Francisco and St. Paul, Minneapolis, and common points, ranges from 15 cents per hundred pounds on first-class traffic to 5 cents on the lowest-commodity class. Between San Francisco and more eastern points the concessions are progressively greater at Chicago, Cincinnati, Pittsburgh, New York, and the points common to them, reaching at New York, Boston, and Philadelphia, and their common points, 28 cents on first class, 14 cents on fifth class, and 5 cents on the lowest-commodity class. A differential of 28 cents per hundred pounds is \$5.60 a ton, or \$67.20 a car-load of 12 tons. Under adjustments at present in force the United States roads from New York, via Chicago, to St. Paul, Minneapolis, and common points allow differentials via the Canadian Pacific, on different classes of merchandise of 10, 8, 6, 4, and 3 cents per hundred pounds. It is to be remarked that the differentials are not permanent, but change from time to time, and that the Canadian connections with lines in the United States and the transportation arrangements also frequently change, and are constantly becoming more numerous.

A natural inquiry arising on these facts is how the Canadian roads can afford to carry at so much lower rates than American lines, and why the rates for both are not uniform. There are various answers to this inquiry. In the first place, they must in general carry at lower rates in order to participate in the carriage of American traffic. The differentials consented to by traffic arrangements to preserve amicable relations and to maintain steadiness of rates have been mentioned. The lower rates are therefore, first of all, a necessity of the situation.

Again, the American roads are many in number, keenly competing among themselves, and dividing the business which, particularly west of Chicago, might be reasonably remunerative for one-half or one-third the number; and therefore, in order to maintain their existence, are compelled to charge rates that might be lower and yield a profit to the carrier if the volume of business were greater, or equal to the capacity of the road. The American roads are also under many different, independent, and sometimes hostile managements, increasing the expense of general control, creating a necessity, or at least occasion, for numerous auxiliary associations with governing or regulating powers, maintained at heavy cost, and requiring, for continuous carriages over long distances traffic arrangements between several different carriers for interchanges, divisions of earnings, joint tariffs, payments for use of cars, and other things. The exceptionally heavy grades of the transcontinental lines to overcome mountain summits, large expense for fuel, for maintenance of snow-sheds and snow service, and other incidental matters, add greatly to the cost of operation.

On the other hand, very different conditions exist with respect to Canadian carriers. On the Canadian Pacific, the only through transcontinental line, the grades are much easier, and, it is claimed, less interruptions occur from snow blockades and similar causes. There are practically only two great systems in Canada, the Grand Trunk system and the Canadian Pacific. There is, therefore, unity of control and management, and no occasion for auxiliary associations nor for divisions of earnings, except with adjuncts in the United States. Besides, they are heavily subsidized by direct government grants and favored by liberal allowances for transportation. They are practically under no restrictions imposed by their own statutes in respect to long and short-haul traffic, but are at liberty to charge high rates on local business to indemnify for losses on through or international business. Their managers deny with more or less emphasis that their local traffic is subjected to higher rates, but when the liberty to make such charges and the necessity for it co-exist, the inducement at least is strong. The provisions of the Canadian statute on this subject are as follows:

SEC. 226. The company, in fixing or regulating the tolls to be demanded and taken for the transportation of goods, shall, *except in respect to through traffic to or from the United States*, adopt and conform to any uniform classification of freight which the governor in council on the report of the minister, from time to time, prescribes.

SEC. 232. No company, in fixing any toll or rate, shall, under like conditions and circumstances, make any unjust or partial discrimination between different localities; but no discrimination between localities, *which by reason of competition by water or railway, it is necessary to make to secure traffic*, shall be deemed to be unjust or partial.

These enactments give all traffic carried in competition with our carriers unlimited freedom.

Some or all of these conditions may furnish an explanation. In a word, their lower rates are necessary to get the business at all, and, as is seen, the conditions under which they are made are favorable.

There is no doubt that considerable portions of our country are benefited by the transportation over Canadian lines, by reason of the cheaper service, especially northern and central New England and large portions of the Northwest, as far south as Chicago and including Michigan, and, in fact, generally along the whole border, and even beyond it. Many of our citizens feel a deep interest in the subject, and would consider themselves aggrieved by any measures resulting in an advance of rates over those roads. High cost of staple articles of consumption forming part of the necessities of life is to be deprecated, and is an argument of great force against higher rates. It is possible, however, that these apprehensions are mistaken, and that a greater volume of business over our own lines would so cheapen rates as to result in no advance in cost to ultimate consumers. At least that has been the uniform lesson of experience in railroad transportation.

What, if any, method of regulation shall be applied to the competition by Canadian common carriers in our traffic is a question for the wisdom of Congress to determine. There are considerations on both sides of this question. On one side, it is generally urged, is the fair protection against foreign rivalry of our own carriers, with the immense sums invested in their construction, the multitudes of our people engaged in their operation, and their inestimable importance to the country, commercially and as agencies for its development and settlement, and for all governmental purposes.

And on the other side are urged the interests of such portions of our citizens as are not so well or so cheaply served by our own carriers, and who claim the right to make use of any agencies that will best subserve their own interests and give them an equality of advantages with others.

Besides, it is said, and perhaps with force, that the competition of Canadian carriers exerts an influence not unlike that of the Erie Canal in preventing unreasonably high rates by our own carriers, and that the competition is therefore in the public interest. It is also claimed that investments made by our citizens, either directly in Canadian roads or in the construction of their connections in the United States, are entitled to consideration.

Another important fact is the reciprocal privilege of conveyance, by some of our carriers, of goods and passengers by land through portions



of Canada, or through Canadian canals, under the following provision of Canadian law :

The governor in council may, from time to time, and as occasion requires, make such regulations as to him seem meet, with respect to goods conveyed directly through the Canadian canals or otherwise by land or inland navigation, from one part of the frontier line between Canada and the United States to another, without any intention of unlading such goods in Canada, and with respect to travelers in like manner.

\* \* \* (Revised Statutes of Canada, 1886, Vol. I, sec. 246.)

The bonding of merchandise in transit through Canada was authorized by act of Congress of July 28, 1866, and embodied in section 3006 of the Revised Statutes of the United States, which is as follows :

Imported merchandise in bond, or duty paid, and products or manufactures of the United States, may, with the consent of the proper authorities of the British Provinces or Republic of Mexico, be transported from one port in the United States to another port therein, over the territory of such provinces or republic, by such routes, and under such rules, regulations, and conditions as the Secretary of the Treasury may prescribe; and the merchandise so transported shall, upon arrival in the United States from such provinces or republic, be treated in regard to the liability to or exemption from duty or tax as if the transportation had taken place entirely within the limits of the United States.

The term "port" is defined by section 2767 of the Revised Statutes as follows :

The word "port," as used in this title, may include any place from which merchandise can be shipped for importation, or at which merchandise can be imported.

The regulations of the Treasury Department in relation to this provision are as follows :

Article 836. Merchandise of domestic origin, duty paid or free of duty, may be transported from one port to another of the United States, over the territory of the Dominion of Canada, with the consent of the proper authorities, by routes duly designated and bonded for such purpose. Cars, compartments of cars, or safes must be specially appropriated for such transportation, placed under customs seal by an officer of the customs at the port of departure in the United States, and remain thus sealed until they shall have passed through such foreign territory and again arrived in the United States. (S. 3041.)

It is understood that, under the regulations of the Treasury Department, a license is issued by the Secretary to Canadian carriers under the privilege provided for by law to transport goods in bond through Canadian territory.

The sixth section of the act to regulate commerce contains this provision:

And any freight shipped from the United States through a foreign country into the United States, the through rate on which shall not have been made public as required by this act, shall, before it is admitted into the United States from said foreign country, be subject to customs duties as if said freight were of foreign production; and any law in conflict with this section is hereby repealed.

This only relates to the making public of the through rates, and leaves open for controversy the question of the amount of the through rate and its relations to the contemporaneous rates of our carriers.

In view of the fact that this whole subject has undergone thorough investigation by an honorable committee of one of the Houses of Congress, this Commission offers no recommendation, and only sets forth some of the leading facts and circumstances brought to its attention in the performance of its duties:

**PROPERTY TRANSPORTED BY CARRIERS SUBJECT TO THE ACT TO REGULATE COMMERCE TO PORTS OF TRANSSHIPMENT FOR PURPOSES OF EXPORT.**

Among the subjects of regulation provided for by the act to regulate commerce is property transported to sea-ports for the purposes of export. The first instance arising in the exercise of this jurisdiction on the part of the Commission occurred in the month of April, 1887, and was upon an application made by three railroad companies having terminal lines at the city of Boston to be allowed to continue a method theretofore practiced and then existing of making their rates from interior western points on grain and provisions to Boston for export through that port the same as the rates from such western points to New York, although the distance was somewhat greater, and the rates upon the same articles to Boston for local consumption were higher. A person interested in the local grain and provision trade of Boston, though not a party to the proceeding, was heard in favor of the contention that any concessions made in favor of the export trade of Boston ought, in fairness, to be extended to all other persons to whom grain and provisions might be consigned to that city from interior western markets.

In that proceeding the Commission held that, as explained by the petitions and the evidence adduced in their support, the rebate or difference made in favor of the export traffic had for its purpose the correction of an inequality that would otherwise exist, and which inequality, by making the cost of foreign shipments by way of Boston greater than by way of New York, would practically exclude shippers from the advantages of the Boston route, though the distance from the interior points to the foreign market would, practically, be no greater by that route than by the other; and if such purpose was only to do indirectly what might directly be done by a bill of lading issued at the interior point of shipment for delivery of goods at the foreign destination, and no discrimination was made between persons engaged in foreign traffic, but the rebate or difference was made impartially and only as a means of protecting the Boston route for the export trade against an excess in charge that would be ruinous to it, then it was obvious that there was no occasion for calling upon the Commission to give sanction to a practice that would be legal without it; that any legal ground for affirmative action on the part of the Commission was precluded in a proceeding of this character when those who brought the practice to its attention did so with explanations of its propriety and insisting upon its lawfulness.

It was further held by the Commission in that proceeding that, if what was paid under the name of a rebate was a rebate in fact, as un-

derstood by the second section of the interstate commerce law, and if the effect of allowing it was to impose upon some classes of persons a greater charge for the service rendered than was imposed upon others for a like and contemporaneous service under similar circumstances and conditions, and so effected what is described in the law as an unjust discrimination, it would be neither legal in itself nor could it be made legal by any order, assent, or permission given by the Commission. And the Commission further held that if the exactions from Boston on local traffic were excessive, that fact could only be adjudicated when some one questions them in a proceeding instituted for the purpose of a regular investigation. Leave was given to the petitioners to withdraw their petitions, and they did so. No complaint to the Commission has ever been made against this method of dealing with the export rates at Boston on the part of those interested or engaged in local trade there, and it has continued to exist to this time.

On the 8th day of March, 1888, the Commission issued a general order on this subject as follows:

Every tariff of rates and charges which a common carrier subject to the provision, of the act to regulate commerce, by itself or jointly with one or more other carriers whether such carriers are or are not subject to such act, shall establish for the transportation of grain, flour, meal, meats, provisions, lard, tallow, canned goods, cotton, tobacco, live stock, or other articles of customary export, from any point within the United States to a seaport thereof, or to any point in or on the boundary of an adjacent country, or to any foreign port or place, is required to be filed with the Commission and shall be made public.

In all cases where a tariff is established for such merchandise billed or intended for export by sea, and ocean rates are not specified, either because of their fluctuation or for any other reason, so that only the charge for inland transportation is definitely fixed, the tariff as filed and made public shall show the rate charged by the inland carrier or carriers to the point of export, including all terminal charges or expenses, and shall also show in what manner the through rate to the point of ultimate destination is to be determined, whether by the addition of the ocean rate from time to time prevailing, or how otherwise. When the rate is a gross sum for the transportation of freight from a point within the United States to a port or place in a foreign country, the tariff as filed and made public shall in every case show what part of the whole is allowed to the carrier or carriers for inland transportation to the point of export by sea, including all terminal expenses or charges; and if such part is subject to be increased or diminished, contingently or otherwise, or if in any other case the charge for inland transportation is subject to any change or modification in case the property carried is exported, the fact, and the manner in which the increase, diminution or change is to be determined, and the extent thereof, shall be stated.

Every such tariff of rates and charges shall be published by plainly printing the same in large type of at least the size of ordinary pica, and copies thereof shall be kept for the use of the public in such places and in such form that they can be conveniently inspected, at every depot or station of any carrier making or issuing the same at which any traffic to which it relates is received or delivered.

This order shall become operative on March 20, 1888.

Shortly after this a complaint was made to the Commission averring, in substance, among other things, that the trunk lines, so called, under resolutions of their association, had been and were making export rates of which the inland proportion accepted by them was, at the port



of New York, often 10 cents or more per hundred pounds less on like traffic than the published tariff rates charged at the same time to the same port from the interior points consigned to New York as its final destination, and charging that this was an unjust discrimination against the trade and business of New York. In this and other respects this contention involved the rules that ought to govern in making export rates through the port of New York. After a full investigation of the evidence and questions involved, the Commission decided that the difference made by the carriers between the proportion of the through rate from the interior points to New York on export traffic destined to foreign countries, and the rate charged contemporaneously on the like kind of traffic from the same interior points destined to New York, was not justified by any circumstances tending to show that it was just and proper, and further decided that it was an unjust and unlawful discrimination against the transportation terminating at that port.

The Commission further held that, under the amendments of March 2, 1889, to the statute requiring ten days' previous notice of advances and three days' previous notice of reductions in rates, they can not be varied from day to day, or oftener, to meet fluctuations in ocean rates. It was further decided by the Commission in that proceeding that the only practicable mode yet devised for making through export rates on shipments from the interior through that port, as has appeared by past experience, is to add to the established inland rates from the interior to the sea-board, the current ocean rates, and that the published tariffs of the carrier should show the rate charged by the inland carrier or carriers to New York on freight billed or intended to be billed for export, including all terminal charges and expenses, and should also show in what manner the through rate to the point of ultimate destination is to be determined, whether by the addition of the ocean rate, from time to time prevailing, or how otherwise.

On the 8th of March, 1889, the Commission summoned each of the railway carriers composing what is known as the Trunk Line Association, to appear before the Commission on the 16th of that month, for the purpose of showing what their export rates were, and how these export rates were made by each of them, and also to give these carriers an opportunity to be heard concerning the manner of making and publishing said rates in order to comply with the provisions of the act to regulate commerce, as amended March 2, 1889. At the time appointed these carriers appeared before the Commission, and after an elaborate investigation it appeared that all of them, except a few, found no difficulty in publishing their joint tariffs as required by the amended statute.

Subsequently, on the 23d of March, 1889, the Commission made a general order in reference to the publication, under the amendment of March 2, 1889, of the act to regulate commerce, of advances and reductions in joint rates, fares, and charges, in which, among other things, it was stated that the Commission understands that tariffs now on file in

its office, established by carriers accepting merchandise billed or intended for export by sea, are made in compliance with its order of the date of March 8, 1888, and whether they be individual or joint tariffs the requirement of notice of any change therein is the same as in the case of other tariffs, and that imported traffic transported to any place in the United States from a port of entry or place of reception, whether in this country or in an adjacent foreign country, is required to be taken on the inland tariff governing other freight.

After the publication of this last order a large number of interstate carriers in the States south of the Potomac and Ohio Rivers requested an opportunity to be heard before the Commission in regard to the application of this general order to their export traffic. Accordingly notice was given to them to appear, and they appeared before the Commission in a general conference in regard to this matter.

In this conference it appeared that the principal article of export to the various Southern ports reached by these carriers is cotton, though there were exports of tobacco and some other commodities, and that the circumstances and conditions that had most influence in affecting rates and producing frequent fluctuations that interfered with the stability of the inland tariffs was the vessel service at the Southern ports. It was claimed by these carriers that the vessel service at the trunk line ports being more ample, no material difficulty was found in the transportation of exports to the sea-board at the established tariffs, but that the vessel service at the Southern ports being more limited, it had been necessary to apply various methods to secure ocean carriage for export business. On account of the scarcity of sea-going vessels at these Southern ports, it was claimed that this gave rise to irregularity in rates, from the fact that in the absence of competition vessels were largely able to exact terms to suit themselves, and the fluctuations in ocean rates affected the stability of the railroad proportions of the through rates; and ocean service in such cases, it was claimed, must in general be procured by charter at a round sum by contract for their tonnage capacity with guaranty of a cargo, or by some form of subsidy.

The real difficulties in the way of maintaining fixed inland rates on export traffic under such conditions, it was claimed, were very great if not insuperable, and that the inland rates became subject to the varying conditions of the ocean carriage. When a ship is procured at such a port by charter or any of the other methods named, it becomes necessary to furnish a cargo as speedily as possible in order to save charges for demurrage, and the consignment of this freight is hastened to the port to fill the vessel quickly, and even taken at a reduced through rate, in some instances shrinking considerably the inland proportion, and the same vessel frequently carries the same kind of goods at many different rates.

In consequence of these conditions, a method came into use, and has prevailed over a large number of the Southern States, of an export rate

made every day to be in force as to export rates for the succeeding twenty-four hours, based on the vessel facilities in the Southern ports and their ocean rates, and on the lowest combination of the inland and ocean rates from the interior point of shipment to the foreign market on a through rate made up in this manner. The through rate thus made has no reference to the established inland rate for consignment at the sea-board, and this method, it was claimed, had worked satisfactorily, had produced no friction or competitive contentions among the rail lines, and was maintained by all of them.

The ports at which the conditions described were claimed to exist are all Atlantic and Gulf ports from the Chesapeake Bay to those in Texas, and the property upon which the rates are affected by these conditions is chiefly cotton, although they apply to some extent to tobacco. Cotton formerly had its chief outlets for export through New Orleans and Mobile; it also went to a considerable extent through Savannah and Charleston. The enlargement of the territory in which cotton is produced and the greatly-increased rail facilities over which it is transported at low rates have materially changed former conditions, and cities and towns in the interior, like Memphis and others, have become points of shipment on through bills to foreign countries, and a large proportion of the product is shipped in that manner.

There was evidence tending to show the existence of the claims thus insisted upon by these carriers, while on the other hand some of the roads in Arkansas and Texas found no difficulty in maintaining rates for ten days, and that the law requiring notice of ten days for advances and three days for reductions could be complied with without detriment to their business. But the investigation was not completed for causes hereinafter stated.

On this account, and in view of the fact that the Commission had recognized that there might be substantially different conditions and circumstances affecting export traffic in different parts of the country, as was indicated by the decision of the Commission in the case of the port of Boston above mentioned, the Commission has not yet made any decision in regard to the Southern export traffic, but has waited until there could be further investigation and consideration of that subject. The local consignments of cotton to these Southern ports were small as compared with the through export traffic, and no complaint whatever had been made against the difference in these rates. Further investigation of it was a matter therefore of far less importance than many others which were pending, and which since then have continually engrossed the attention of the Commission, and for want of time originating from these causes this investigation has not been completed. It is not apprehended that this adjustment will be attended by the difficulties that many of the carriers imagine. No opinion in regard to it is now expressed by the Commission for obvious reasons plainly indicated by the facts stated. At the same time, it is deemed proper to



lay the substance of the evidence thus taken before Congress in this annual report.

Questions arising in regard to export rates are and must continue to be of very great importance, and often extremely embarrassing until this subject is finally determined and settled at ports upon the different coast lines of the country. Thus far no question of this kind has come before us as to export traffic going through the ports on the Pacific slope, in which there is indeed a large and growing commerce.

If the statute should expressly provide that the published tariff rate from interior points to sea-ports must be the same whether the property transported is for local delivery at such sea-port or for the purposes of export from such sea-port, leaving the rates from such port to the foreign destination to be such as the unrestrained competition of vessels might settle, then there would be no more difficulty in regulating inland transportation of property to a sea-port for the purposes of export than there would be in the case of domestic traffic. The difficulty in its regulation under the statute at present arises in cases where a through rate is charged from the interior point of shipment through the port of transshipment to the foreign market, made sometimes as a gross through rate, but most usually as a through rate in which the inland rate is added to the prevailing ocean rate.

In either event, as the ocean rates daily and often hourly fluctuate in the competitive strife of vessels, and are subject to no regulation whatever, the inland or rail proportion of the through rate has no fixed stability, but fluctuates with the ocean rates, and by manipulation of the vessel rates a margin may be created for preferential rates and secret arrangements for the benefit of individuals or of traffic by which the law can easily be violated without detection. At the port of New York the Commission met this, as far as possible, by requiring that inland rates of rail carriers to that port should be the same on traffic for export as on that intended for local consignment there; and at New York, as well as other ports, the Commission met this, as far as possible, by requiring the published tariffs of the rail carriers to show the proportion of the through rate from the interior points of shipment to the port of transshipment. But as remedies these are not sufficient to adequately check the evils we have enumerated. Whatever the rule of the statute is to be upon a subject like this should be indicated in plain and unmistakable terms. Whether that rule as above made at the port of New York shall be the same for all the ports of the country, namely, that the proportion of the inland rate on export traffic shall not be less than the inland tariff rate to the port of transshipment on traffic not for export, or whether the law shall be held flexible as to the modes of business of carriers at some of these ports under the conditions by which they are surrounded, or what the rule shall be upon the entire subject, is respectfully submitted to the wisdom of Congress, to determine now or after further investigation and report of the Commission in the future.

## THE RELATIONS OF LAKE AND RAIL TRANSPORTATION.

When the Congress was given power to regulate commerce among the States, railroads had no existence. To whatever extent the regulation so provided for was intended to include transportation or transportation charges, it must have had special reference to the then existing transportation methods, which were mainly by lake, river, or coastwise carriers.

The regulation for which provision is made in the act to regulate commerce does not apply to commerce as it was conducted when the power to regulate was conferred. The act applies to water transportation only when "used under a common control, management, or arrangement for a continuous carriage or shipment" in connection with a railroad and as part of a line or route of which another part is a railroad, and leaves carriers engaged in transportation wholly by water independent of regulation.

The exemption of so considerable a part of transportation from the operations of the law is a serious hindrance to the regulation of that which the act includes.

The construction and maintenance of the way or track is a principal item in the cost of railway transportation, while the permanent way over navigable waters is free from expense or is maintained at public cost. In water transportation, carriers provide only the vessel or vehicle of carriage. There is therefore a wide difference in the cost of rail and boat service, and water transportation charges can be very much the lower and be remunerative.

Carriers by water are not required to publish rates, and are under no restrictions as to rebates, discriminations, or as to charges proportioned to distance. No stability is required in their charges, which may fluctuate as often as the exigencies of business rivalries dictate or the necessities for traffic render expedient. Whenever rail and water transportation are in direct competition, a reduction of rail rates to meet the water charges is regarded as essential to secure any part of the traffic. Independent or unregulated water transportation in parts of the country is so influential in many ways as to be the cause of demoralization in rail rates as well as to afford the basis of inequalities between localities having the appearance of unjust preference.

These are some of the effects of unregulated water transportation. Its usefulness must not be in the least impaired, but it is both expedient and just that it should be so far regulated as to prevent its demoralization of other transportation. This requires carriers by lake, river, and coastwise to publish and maintain tariffs as do carriers by rail, and be alike subject to the general provisions of the act.

Only one of the five great lakes on our northern border is wholly within our territorial limits, but upon all the fluctuations of unregulated rates and charges are so frequent as to create confusion and uncertainty

in charges on railroad traffic. The "trunk lines," or railroad carriers from the lakes to the Atlantic coast, own and control eighty or more boats, with an estimated tonnage capacity for the season approximating 200,000,000 tons. These boats are used in connection with the roads and under a common control or management for continuous carriage or shipment from Chicago, Duluth, and other western lake ports to tidewater at New York, Philadelphia, and other eastern cities. These continuous carriers, lake and rail, are thus made subject to the act and required to publish their rates and charges, together with proposed increases or reductions. Some of the roads west of the lakes are operated in connection with boats under a common control for continuous shipments to Buffalo, Erie, and eastern lake ports, thus forming a line, part rail and part water, subject to the act.

In addition to the boats used in through transportation in connection with the roads and subject to the act, a large part of the lake transportation is by independent transit companies or individual and separate vessels not subject to the act. Two or more of the roads which carry between lake ports and tide-water cities are each wholly within one State, and when carrying locally between points in the same State from lake to sea are not subject to the act.

The carriage of products is large from lake ports in Minnesota, Wisconsin, and Illinois to sea-going vessels at Montreal by lake, canal, and river, all independent of regulation. Transportation part rail and part water, not subject to regulation, is conducted by lake boats, in connection with Canadian roads or roads partly in Canada, from western lake ports to eastern lake ports in the United States and in Canada.

Boats cross the lake in three or four days. They carry package and general freights, but the tonnage is largely grain, flour, and provisions — very largely bulk grain. In a recent investigation it was claimed on the authority of the Chicago Board of Trade reports that of 47,000,000 bushels of corn shipped east from Chicago last year 7 of every 10 were by lake.

The customary lake and rail rates from Chicago and western lake ports to New York and other eastern sea-port cities are about one-fifth lower than the all-rail rates. While that relation is maintained the rates are considered regular. When agreements to maintain rates have been made between all-rail and part rail and water carriers, it has been usually on something like that basis. This conceded difference in rates indicates the estimate of the advantages of rail shipments and of the lower cost of lake transportation.

Under the present state of the law, products may be carried from States west of the lakes to Montreal and other Canadian ports, as also to New York and Philadelphia, for consumption, distribution, or export, by routes so free from all regulation, that carriers over regulated routes may not know the rates with which they must compete. Grain can be shipped from western Minnesota over a road wholly within that State



to the lake, over the lakes to Buffalo, and from thence over a road wholly within one State to the sea-board. It can be shipped in the same way to and across the lakes to Erie, Pa., thence to tide-water at Philadelphia, the carriage in both cases, when not under a common arrangement, being free from regulation. The all-rail carrier of freight between the same places must conform to the provisions of the act on every one of the 1,500 miles over which the freight must pass.

A very small reduction in regular rates by lake or rail carriers not subject to regulation is sufficient to divert traffic from the lines of rival carriers by lake or rail, or both combined. Such reductions need not be published, but may be, and are, made without notice to competing carriers required by the act to publish their rates and any intended reductions. To carriers finding their business so diverted the temptation is strong to recover a share of the business, frequently stronger than the restraining provisions of the law, which does not apply to their competitors and rivals. The result is disturbance and disorder in railroad service, with uncertainty, instability, and inequality in rates and charges.

#### RAIL TRANSPORTATION NOT SUBJECT TO THE LAW.

In former reports the Commission has called attention to the fact that not all transportation by rail is made subject to the act to regulate commerce. The act carefully limits its operation to certain specified carriers, and the terms are such as are believed not to include the express companies regarded as common carriers. Carriers exclusively by water are also omitted. These omissions extend to a considerable part of the internal commerce of the country, and must therefore prove to some extent an embarrassment in the enforcement of the act. This subject, having been sufficiently covered by what has been said heretofore, is alluded to in this place only for its bearings upon what will be said in this connection regarding transportation by rail by those carriers not made subject to the act. Independent water transportation is treated elsewhere in this report.

As regards transportation by rail by carriers not subject to the act, it is proper, in the opinion of the Commission, that a free and full expression of the embarrassments attending their exclusion should be placed before Congress. This is not done for the purpose of asking any additional or different legislation from what now exists, but only that the subject may be fully understood in relations not hitherto explained. The Constitution of the United States, in Section VIII of Article I, provides that the Congress shall have power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." No question, therefore, can arise of the authority of Congress to make its legislation as broad as the power itself. In undertaking the regulation of commerce by rail, legislators, both State and National, have been dealing with a subject that in many respects was so different

from any other with which they have occasion to deal, that the ordinary rules and analogies could not possibly be applied to the full extent; every step taken has been persistently opposed by the interests to be affected; and it has been universally felt that the legislation hitherto adopted could not in all respects be final, but has been rather initial, and, though important and in the right direction, constitutes only steps towards an ultimate solution of what is commonly spoken of as the "railroad problem." No one who has given proper thought to the subject now deems that problem fully solved; every one who has studied it candidly sees that further action in the line of the existing statute is necessary for the purposes of a complete solution.

When the act to regulate commerce was adopted, there were in many of the States and Territories laws for the regulation of State and Territorial commerce by rail. These laws preceded any action by the General Government on the subject, and in many respects, unquestionably, there has been useful State and Territorial regulation. There is no doubt in the minds of the Commission that very valuable service has been performed by these State and Territorial boards under the laws conferring powers upon them. In some cases the benefits have been universally acknowledged, and in others, where complaints have been made against them, it is probable that these have been exaggerated and sometimes unfounded. When the act was passed Congress was very careful not to interfere with the working of these commissions, and shaped its legislation so as to leave a clear field for action to the State and Territorial authorities. No doubt this was in part from a recognition of the valuable work these authorities had performed. It may also in part have come from a well-founded belief, in which this Commission fully shares, that no single body of men, acting as a national commission, could, with any strong probability of success, undertake the regulation of commerce by rail for the whole country without the assistance of State or other local commissions or boards. There may likewise have been constitutional considerations. But whatever the motives were, it is plain that the act to regulate commerce falls short of completely covering the field of regulation.

The railroads of the country do not constitute one separate national system and separate State and Territorial systems operating independently of each other. There are a great many railroads in the country that do not extend beyond the limits of a single State, but there are very few of them that are not by affiliation and at least partial control connected with roads that are interstate. It is doubtful if there is a single railroad in the country that does not to some extent participate in interstate traffic, and which, if left to be a law to itself, or subjected to laws which differ from the act to regulate commerce, may not be a disturbing element in the enforcement of that act. There is no such thing as a complete and harmonious regulation of interstate commerce by rail when a part of the carriers by rail are governed by one set of

laws and other parts are left to the regulation of laws which are materially different. Still less can there be complete and harmonious regulation when even upon interstate roads there is regulation of a part of the traffic by one set of laws and another part by another materially different. An interstate road takes little or no notice of State lines in the management of its business. State traffic and interstate traffic are taken upon the same trains, under the same management; the freight and passage moneys are received into the same treasury; the expenses of transportation are paid by the same officers, from the same fund; and it would be impossible for the officers of the road to determine with accuracy the cost or the profit of the State business as distinguished from the interstate.

The State regulation, unless the State law should be substantially identical with the Federal law to regulate commerce in all essential points, would, of necessity, if enforced, constitute to some extent a regulation of the interstate traffic. State rates must often necessarily affect interstate rates. The State rate from East St. Louis, for example, to Chicago might affect the interstate rate to Chicago and to Milwaukee as well; and it might affect the interstate rates to all towns that to any extent are the competitors of Chicago in the traffic to which they relate. Indeed, to some extent it might often affect rates from the Missouri River to the Atlantic sea-board. State regulation in regard to safety appliances might, if enforced, constitute a regulation of interstate traffic to some extent, unless the railroads were required to separate in their trains all State from interstate traffic; but this could not be done without greatly increasing the present cost of rail transportation. We shall not take the space to multiply instances here, though we might give them in great number, to show how State regulations might enter and occupy the sphere of Congressional power. One illustration in this connection, however, we deem it proper to mention.

The act to regulate commerce was intended to bring to an end the gross abuses attending the free transportation of persons. To a considerable extent it has done so. But very largely the carriers, and especially the strong systems, where the abuse has been greatest, have endeavored to avoid the law by falling back upon State protection, and shielding themselves under an unrestricted authority to issue passes as they pleased within the limits of a single State. Three of the large railroad systems of the country, when called upon by the Commission to make an exhibit of the passes issued by them, declined to do so, on the ground that the passes issued were limited in their operation to the bounds of a single State, and therefore, as was claimed, this Commission could take no cognizance of them. The Commission believes that if this position can be maintained it greatly impairs the efficiency of the law, and the abuses, the discriminations, and the corruptions, which before were so flagrant, will, to some extent at least, continue. If the New York



Central or the Pennsylvania Railroad Companies can thus issue passes at discretion, it is impracticable to enforce the law as against their competitors. It is idle to say the passes do not affect interstate traffic. There is generally some purpose of indirect profit or advantage in issuing them, and the managers of the roads who make the issue do not attempt to limit the benefit to any one class of the traffic, and could not if they would. And if they in this manner avoid the law, it can not be effectively enforced against their competitors, even if the latter did not dispute their obligation to comply with it strictly.

What is said as to free transportation may be said as to rebates also. Sometimes in cases which come before the Commission, a carrier admits that it gives rebates on the traffic taken up and laid down within a State, but insists upon its right to do so, because there is no law of the State prohibiting it. Nevertheless, this rebate affects the rates upon interstate traffic, and a competing road whose traffic is taken a little further, and over the State line, may be compelled to give rebates accordingly, or to surrender important business. It certainly can not be expected to surrender the business willingly, and, while the State law permits the rebate, the interstate carrier will see no moral wrong in giving one also. Indeed it may be said that in all particulars where the act to regulate commerce contains prohibitions, or establishes penalties which do not exist under State laws for corresponding conduct, the interstate carrier is tempted to find excuses for violations and evasions under shelter of the less stringent State laws.

By reference to the brief notice of the meeting with State railway commissioners, which will be found in another part of this report, it will be seen that the State commissions have felt the great difficulties attending the want of entire harmony between State and national laws, and a committee of five State railroad commissioners was then appointed to consider the subject and report to the next conference upon the best plan to obtain harmony in railroad legislation. The time has not yet been fixed for the meeting of the conference to which that committee will report, but it will probably be held next spring. The bringing about of that harmony by a substantial re-enactment of the act to regulate commerce by all the States and Territories would to a large extent relieve the whole subject of the difficulties at present attending it, and would go very far towards a solution of the railroad problem. Possibly such a re-enactment may in time occur, but we have deemed it our duty at this time, and, as accounting in great part for any imperfect execution of the law, to bring to the notice of Congress some of the difficulties necessarily encountered by reason of the fact that the act to regulate commerce does not cover the whole transportation business of the country. A statement showing State roads that claim they are not subject to the act and therefore not required to report to the Commission, is given in Appendix 9.

### CONSOLIDATION—ABSORPTION OF WEAKER LINES BY THE STRONGER.

The tendency in recent years towards the aggregation and combination of capital invested in various of the larger business pursuits has been so marked—such aggregations are so subject to misuse, and when misused are so potent for mischief—that every new indication of the growth of this tendency leaves the public less free from apprehension. This is so true as to all transactions between railroad corporations that any working arrangement or agreement for the establishment of through lines, by which expense may be avoided and the public served, is subject to more or less distrust.

Whether because of some abuses in railroad management when in conducting interstate commerce the carriers were a law unto themselves, or whether for some other reason, the fact seems to be that every railroad combination in the direction of unity of interest or unity of control provokes such suspicion as to warrant, if it does not require, explanation.

The tendency to consolidation of railroads and to the absorption of the weaker by the stronger lines has been sometimes ascribed to the act to regulate commerce or some of its provisions. It has been so ascribed by those of such experience as to entitle their opinions to consideration.

The tendency to the combination and concentration of other great interests is scarcely older than the act to regulate commerce, to which such interests are not subject.

Combinations and unifications of railroad properties had their origin as early as railroad investment was of sufficient magnitude to invite them. They had so advanced when the act was passed that the railroads outnumbered the companies operating them two to one. Both before and since the act was in force the tendency to such combination and unity has kept well up with the increasing ability of the proprietors and managers of one road to buy or control another.

With an average annual railroad investment approximating \$400,000,000, and a corresponding increased railroad mileage, there are each year more roads for consolidation, increased opportunities for absorption, new and greater inducements for combination. Yet the proportion of combinations effected was greater before than after the act. Considered separately for the period of nine years since the last census, the number of roads merged annually in the seven years before the act was nearly double the number annually merged in the two years thereafter. The combinations for these nine years, and how effected, appear in the following statement, which, with the subsequent statements, is taken from the best obtainable data:

CONSOLIDATIONS, ETC., TO DECEMBER 31, 1888, OF ROADS THAT WERE OPERATING COMPANIES ON JUNE 30, 1880.

How acquired.	1880.	1881.	1882.	1883.	1884.	1885.	1886.	1887.	1888.
Consolidated, absorbed, and merged .....	33	53	11	9	7	5	9	9	7
Controlled, leased, and operated .....	69	28	40	22	12	23	12	15	21
Purchased .....	13	8	3	5	1	2	2	2	4
Total .....	115	89	54	36	20	30	23	26	32
Reorganizations and changes in name .....	7	7	4	3	5	5	12	11	3

## RECAPITULATION.

Total for nine years .....	425
Average per year .....	47
Total for seven years preceding 1887 .....	367
Average per year .....	52
Total for two years (1887 and 1888) .....	58
Average per year .....	29
Total for three years (1880, 1881, and 1882) .....	258
Average per year .....	86
Total for three years (1883, 1884, and 1885) .....	86
Average per year .....	28
Total for three years (1886, 1887, and 1888) .....	81
Average per year .....	27

The latest union of railroad interests which has attracted public attention, and of which this Commission has been advised, is that of the Union Pacific with the Chicago and Northwestern. This alliance is an agreement for the interchange of through business, the establishment of through lines by which the interests of the companies may be promoted and the public convenience served. It provides for the interchange and continuous carriage of freights from the place of shipment to the place of destination over 5,000 miles and more of the Union Pacific system and more than 4,000 miles—all—of the Chicago and Northwestern system. The arrangement as to through carriage and interchanges for that purpose does little, if any, more than give effect to one purpose of the law. Such a continuous carriage is favored by the third and seventh sections of the interstate-commerce act. Except as to interchange of business and continuous carriage the two companies and systems seem as free from the control of each other as before such union.

Substantially all the consolidations and absorptions made by the two companies or systems preceded the act, or resulted from contracts which preceded it.

The authorized mileage of the Union Pacific proper, as constructed, was less than 2,000 miles, which was increased to more than 6,000 miles through its affiliated and controlled lines.

The Chicago and Northwestern acquired and commenced operating 119 miles of road at the date of its organization in 1859, and had less than 500 miles in 1866. By absorption, purchase, or otherwise, it had acquired control of more than 3,500 miles in 1886.



The Pennsylvania Railroad Company, a corporation of that State, authorized at first to construct a road less than 250 miles long between two of its principal cities, grew into a vast system, extending into and across several States of the Union. Its entire mileage, including main and branch, owned and leased lines, was less than 500 miles in 1861. In 1880 it included nearly 4,000 miles. In every year since then it has added to its mileage not more annually after than before the Act. By extension, purchase, absorption, or other arrangement, its control, directly or through affiliated companies, embraces more than 7,000 miles.

The progress made by the two companies or systems last named, in acquiring control of roads of other companies and increased mileage, is indicated in the following statement:

SUMMARY OF NUMBER AND MILEAGE OF ROADS OF PENNSYLVANIA SYSTEM ACQUIRED, IN YEARS INDICATED, TO JUNE 30, 1889.

[Roads omitted for which proper data are lacking.]

Year.	Pennsylvania Railroad.*		Pennsylvania Company.†		Total.‡	
	No.	Miles.	No.	Miles.	No.	Miles.
Prior to 1880.....	§26	§1, 158. 87	18	2, 614. 30	44	3, 773. 17
1880.....	2	111. 54	2	243. 15	4	354. 69
1881.....	1	47. 82	.....	.....	1	47. 82
1882.....	3	181. 48	.....	.....	3	181. 48
1883.....	1	6. 75	.....	.....	1	6. 75
1884.....	3	99. 40	.....	.....	3	99. 40
1885.....	2	128. 36	1	28. 15	3	156. 51
1886.....	3	60. 26	.....	.....	3	60. 26
1887.....	2	14. 24	1	122. 08	3	136. 32
1888.....	2	115. 57	2	67. 53	4	183. 10
1889.....	4	7. 95	.....	.....	4	7. 95
Total .....	49	1, 932. 24	24	3, 075. 21	73	†5, 007. 45

\* The charter (1846) authorized the construction of a road from Harrisburg, Pa., to Pittsburgh, Pa., the length of which, when completed, was 248.2 miles; the first section, from Harrisburg, Pa., to Lewistown, Pa., 60.6 mile, was opened September 1, 1849. Mileage owned and controlled June 30, 1889, approximately, 4,113.75.

† Mileage in 1871, the year of organization, 796.20. Mileage June 30, 1889, approximately, 3,381.27.

‡ Total mileage owned and controlled by Pennsylvania system June 30, 1889, approximately, 7,495.02.

§ Subsequent to 1860.

|| Subsequent to 1868. Includes ten roads, 1,556.25 miles, controlled through ownership of stock; no information as to date acquired.

## SUMMARY OF NUMBER AND MILEAGE OF ROADS OF CHICAGO AND NORTHWESTERN RAILWAY COMPANY ACQUIRED, IN YEARS INDICATED, TO JUNE 30, 1889.

[Roads omitted for which proper data are lacking.]

Year.	No.	Miles.	Year.	No.	Miles.
1861 .....	3	486.70	1884 .....	11	2,083.02
1867 .....	1	105.00	1885 .....		
1871 .....	1	48.80	1886 .....		
1877 .....	1	28.00	1887 .....	5	109.49
1880 .....	2	72.72	1888 .....	2	79.64
1881 .....			1889 .....	2	41.16
1882 .....	3	487.44	Total.....	35	* 3,731.91
1883 .....	4	190.03			

\* In addition to what appears in table, it should be stated that this company owns stock of the Chicago, St. Paul, Minneapolis and Omaha Railway Company, 1,310.52 miles, to the amount of \$14,700,000 in total stock of \$34,050,126.66, over \$10,000,000 of said owned stock having been acquired in 1882. Mileage of Chicago and Northwestern Railway Company at date of organization, June 7, 1859, 119.80; mileage owned and controlled June 30, 1889, 4,250.38.

What is said of the Chicago and Northwestern and of the Pennsylvania may be said of the Louisville and Nashville, the Lake Shore and Michigan Southern, the New York Central, and is substantially true of the railroad system of this country as well as of other countries. Railroad consolidations and combinations first challenged public attention in other countries where they were the cause of great apprehension. Twenty years ago they were made the subject of investigation by a royal commission in England.

In view of the facts, it would seem that the cause for railroad consolidations must be looked for elsewhere than in the restrictive provisions of the interstate commerce act, while it is suggested with much reason that these restrictive provisions are themselves the result of behavior in railroad management.

The act in its main provisions declares in substance that—

To be lawful, charges for railroad services must be reasonable and just.

To take a greater or less compensation from one person than from another for a like service is unjust discrimination and unlawful.

To give unreasonable preference to persons, localities, or kinds of traffic to the disadvantage of other persons, localities, or kinds of traffic is unlawful.

To make the greater charge for a shorter distance transportation service lawful there must be exceptional circumstances which make it just.

Combinations, contracts, and agreements between different and competing roads for pooling their freights or dividing any part of their earnings is unlawful.

To be lawful, schedules of fares and charges, as well as of increases and reductions in fares and charges, must be posted and kept open to public inspection.

Combinations, contracts, agreements, or devices to prevent the carriage of freights being continuous from place of shipment to place of destination are unlawful.

A provision of the third section of the act declares :

Every common carrier subject to the provisions of this act shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and delivering of passengers and property to and from their several lines and those connecting therewith, and shall not discriminate in their rates and charges between such connecting lines.

Of the restrictive and chief provision of the act given above, that which makes the pooling of freights and the division of earnings of competing lines unlawful is usually credited with being the efficient cause as well of objectionable railroad consolidations and absorptions as of hurtful instability of fares and charges. It is so credited on the assumption that hurtful competition, especially between stronger and weaker lines, can only be prevented by the pooling of freights, the division of earnings, and the guaranties to be secured through such poolings and divisions. Weaker lines are indirect lines, longer lines, and lines requiring more time and affording inferior facilities and accommodations. Previous to the enactment of these restrictive measures prohibiting pooling and the division of freights and earnings of competing lines it was, in consideration of the maintenance of agreed fares and charges between the stronger and weaker lines, the practice of the stronger to guaranty to the weaker an agreed division, share, or proportion of business. When shippers patronized the stronger lines at the agreed rates to such extent that the weaker lines failed to obtain their conceded share of the business and earnings, the stronger lines accounted for and made good the deficiency from their own receipts. On the assumption that the agreed rates were no more than reasonable, the amount realized by the stronger lines was less than reasonable compensation for their services to the extent of such deficiency. But it being assumed that reasonable compensation for the transportation services they rendered remained to the stronger lines after making good the guaranty to the weaker, the amount necessary to make good such deficiency was necessarily derived from charges in excess of such reasonable compensation. In this view, the practice was interpreted as resulting in excessive charges on shipments made by the public as a means of paying weaker lines for joining the stronger in maintaining exorbitant rates. So interpreted, the practice, or guaranty based on agreed divisions of business, was condemned and prohibited by the act to regulate commerce.

This provision of the act making it unlawful to divide business or earnings deprived the stronger lines as well of the ability as of the legal right to guaranty to the weaker lines a conceded share of business when the guaranty could no longer be made good from charges regarded as excessive.



## CONSOLIDATION—INTERCHANGE OF TRAFFIC.

For any advantage of which the roads were deprived by these restrictive provisions it is believed an equivalent was intended to be given in the equal facilities for the interchange of traffic and for receiving and forwarding persons and property under the above-cited provision of section 3 of the act.

Since its last annual report to the Congress the Commission has made investigation of a complaint under this provision of section 3 of the act, made by the Little Rock and Memphis Railroad Company against the East Tennessee, Virginia and Georgia Railroad Company, and the Iron Mountain and Southern Railway Company.

The western terminus of one line of the East Tennessee, Virginia and Georgia Railroad Company is Memphis, Tenn. From Memphis the road of the Little Rock and Memphis Railroad Company extends to Little Rock, Ark. From Little Rock a division of the road of the St. Louis, Iron Mountain and Southern Railway Company runs to Texarkana and other points in Texas and the Southwest.

These companies had, previous to June, 1888, established and until then maintained, a through line over their several roads or lines for the transportation of persons and property from and to points on the lines of said companies, or any of them, and connections in the States west of the Mississippi River to and from points on said companies' lines and connections east of the Mississippi. When, in June, 1888, said Iron Mountain Company had constructed and completed a line of its own from Little Rock to Memphis, it would no longer maintain the through line over the road of the Little Rock Company; but claiming that the public could be well served over a through line from Texas and points west to Tennessee and points east, of which through line its own line from Little Rock to Memphis, should be part, the Iron Mountain Company insisted on the substitution of the Little Rock and Memphis section of its own line for the line of the Little Rock Company.

The East Tennessee, Virginia, and Georgia joined the Iron Mountain Company in establishing such a through line, and thereafter both refused to interchange with the Little Rock Company traffic passing over it and destined to points on the through line they had maintained with it previous to June, 1888.

The Little Rock Company complained of this as a refusal to afford it the equal facilities for the interchange of traffic which it alleged to be its lawful right under said provision of section 3 of the act, and insisted that the other companies should afford it facilities equal to the facilities they afford each other and for the same equal rates and charges.

On investigation, the Commission found the through line or route of which the Little Rock and Memphis Company's line had been a part to be more direct and shorter than that substituted for it, that it was a reasonable and convenient route, and its re-establishment would be in

the public interest. Its discontinuance by the other companies subjected the public to increased cost and greater delays in transportation. Their refusal to continue or re-establish it, while they maintained another through line from and to the same points, was a denial of proper and equal facilities for the interchange of traffic, for receiving, forwarding, and delivering passengers and property, and a discrimination in rates and charges between connecting lines. The opinion of the commission expressed the belief that under such conditions it was the intention of the Congress in the third section of the act to secure to the Little Rock and Memphis Company, or other companies under like conditions, the proper and equal facilities so denied by providing for the establishment and maintenance of through lines over connecting lines without discrimination in rates and charges as between such connecting lines; but the Commission held that when, as in this case, the companies having connecting lines objected to forming through lines with another company some method of procedure was necessary to establish such through line and fix the terms upon which it was to be maintained, and the act provided no procedure to fix such terms or by which such through line could be established.

The omission to make legal provision for through lines limits transportation over the line of the Little Rock and Memphis Company to local traffic. This results primarily from the construction of a line between Memphis and Little Rock by the Iron Mountain Company, when the line of the Little Rock Company was ample for the traffic, through as well as local. The Iron Mountain Company now has substantially all the through business. The business of the Little Rock Company had been largely through traffic, without which the local business was, and still is, insufficient for the successful operation of its road. To obtain through business under the present state of the law, the company must extend its line from Little Rock to Texas and southwestern territory already reached and adequately served by the Iron Mountain line. A necessary result would be the support and maintenance of two roads where one is ample for the traffic, and can render the service with more profit to the carrier and lower cost to the public. A result not unheard of would be a hostile and possible disastrous competition between the companies to be followed by an alliance hostile to the public.

Should the Little Rock Company, in view of necessary or possible results, find itself unable or unwilling to so extend its line, it must await the development of a traffic merely local and yet inadequate to the suitable and proper maintenance of its road, or submit to the absorption of its line as an affiliated line or feeder to a stronger line.

The status of the Little Rock and Memphis Railroad Company in its relations to connecting lines and the results of such relations is sufficiently explanatory of the status and relations of all other independent roads, or roads of a local character, in respect of their relations with connecting lines, which are the same as they were before the act to regulate commerce.

## COMPLAINTS AGAINST THE WORKINGS OF THE LAW.

In some cases within the year complaint has been publicly made by manufacturers or other large dealers whose business has not been satisfactorily profitable, that the fact was due wholly or in part to the Interstate Commerce Law, which was wrong in theory, because it took from the carriers the power to sell their services at pleasure. Such a complaint is aimed at the vital principle of the law ; it does unquestionably take away from the carriers the power to sell their services at pleasure and require them to perform service for all persons, trades, occupations, localities, and communities with entire impartiality. It was chiefly because they formerly, in selling their services at pleasure, discriminated grossly, generally in favor of large dealers, that the Government interfered. Common justice required the interference. The discriminations were sometimes so great that the difference in the rates paid by two dealers sharply competing in the same line of business were sufficient to make the one prosperous and send the other to bankruptcy ; and, as in the bargain for services the larger dealer always had the most to offer, it was the smaller dealer that was commonly pushed to the wall ; so that the sale of their services at pleasure by the carriers was continually adding to the force of other circumstances which, without regard to merit or ability, were assisting to make the rich richer and the poor poorer. It was the belief of Congress that, in so far as the requirement of impartiality in the service of carriers by rail would have that effect, this tendency should be checked ; and, the law being just in itself, the complaint of a dealer that it takes away his ability to build up a prosperity on the special bargains he could make with carriers is a compliment to the law, not a reproach.

Other complaints have occasionally been made, traceable to a discontinuance of methods or practices intended to be corrected by the law. Quite naturally the law will be complained of by any interest that has profited either by sharing the earnings of the railroads or by any special advantages. Such interests have much at stake, and are therefore desirous to be let alone. The law is looked upon unfavorably when it interferes to protect the public directly by its prohibitions, or indirectly by liberating carriers from injurious methods. The primary purpose of the law doubtless is that the service of the public by the carriers shall be just and impartial. But that is not all. It contemplates that carriers shall free themselves from burdens that diminish their capacity for cheaper and better service to the public. An enumeration of these includes ticket brokers, commissions to ticket agents and to freight solicitors, special cars owned by shippers or by private car companies, with payment of excessive car mileage, adjunct properties of doubtful value owned or invested in by managers, service for express companies, free transportation of persons, and others that might be named,



Complaints that have their origin in a misuse of corporate powers, or practices injurious to carriers or to the public, are not arguments against the propriety of the law. Railroads are public instrumentalities, and the public is concerned in the manner in which their affairs are managed, as well as the service they render. As common carriers they are expected to supply suitable and adequate accommodations for the business on their lines, and to so perform their service as not to afford preference to some nor cause prejudice to others. They are expected to do their business with their own corporate agencies, and not to delegate their duties to independent and often irresponsible parties acting as middle-men between the carriers and the public. For continuous carriage by connecting routes all reasonable facilities are expected to be afforded. In short, railroads, as the necessary highways of the country, are expected to keep in view the purpose for which their franchises were granted, and, while guarding their revenues with fidelity to their corporate interests, to make the public service their constant aim, and to so manage their affairs that the service shall be impartial and reasonable.

#### FEDERAL REGULATION OF SAFETY APPLIANCES.

Personally concerned as every man is in the safety of travel the subject of railroad accidents has always had the greatest popular interest. That the facts are quite sufficient to warrant this interest may be seen from the following figures taken from the annual reports of the railroads of the country to the Commission for the year ending June 30, 1888. There were reported for that year deaths and injuries to persons as follows :

Passengers killed .....	315
Passengers injured.....	2, 138
Employés killed.....	2, 070
Employés injured .....	20, 148
Other persons killed.....	2, 897
Other persons injured .....	3, 602
Total persons killed.....	5, 282
Total persons injured.....	25, 888

But the reports do not cover the total mileage of the country ; only 92.792 per cent. of it. If the accident rate was the same on the roads not reporting, the total number killed was 5,693 and the total injured 27,898. These are the returns made by the railroad companies themselves, and they can not well be suspected of exaggeration. Neither is there, on the other hand, any reason to suppose that they are not, in most cases, complete and prepared with perfect good faith.

A thought strikingly suggested by these figures is that accidents to passengers take up an undue proportion of the public attention. Not only are casualties to employés several times more numerous, but they are concentrated upon a comparatively small class, each individual of

which undergoes considerable hazard. Some estimate of how great this hazard is in the case of one class of employés may be made from the records of the Brotherhood of Railroad Brakemen, an organization that has for one of its objects the insurance of its members against death or total disability. During the year 1888 the average membership of this brotherhood was 10,052.5. Insurance has been paid upon 114 deaths and 53 total disabilities, the result of injuries received from railroad cars during that year. In the same time there were only 31 deaths and 6 total disabilities from natural causes. These data are taken from the printed assessment notices of the order. Thus one in every 88 of the members of this organization is killed yearly, and one in 60 suffers either death or total disability. It appears, also, that a brakeman has only 31 chances in 145, or 1 in 4.7, of being allowed to die a natural death. Exception may perhaps be taken to this conclusion on the ground that brakemen are mostly young and vigorous men not likely to die from natural causes, but surely this view of the case is not more satisfactory than the other. No record is kept showing the number of lesser injuries received, but if the ratio of killed to wounded is taken as the same as that which, according to the figures quoted above, holds good in accidents to railroad employés over the country at large, namely, 1 to 9.73, the number of those receiving injuries serious enough to be reported to the Commission would be, exclusive of the killed, 1,109, or 1 in 9 of the members of the order. It would appear from this result that, besides running great danger of death, a brakeman will, on the average, be injured once for every nine years of service. It should be said that this brotherhood includes quite a number of conductors and others whose occupation is less dangerous than that of brakemen, so that the hazard to brakemen is presumably somewhat greater than here shown. It is probable that no occupation followed in this country by any large class surpasses in danger that of the railway brakemen.

X It having been urged upon the Commission from several quarters, but more particularly by the State railroad commissioners at the convention in March, that there was a necessity for some sort of national action in matters relating to safety on railroads, an investigation of the subject was begun in the spring of the present year. Although information has been obtained principally from miscellaneous sources, two circulars have been issued making inquiry concerning matters of special importance. The first, dated April 1, dealt especially with automatic freight-car couplers, and called not only for facts but for technical opinion. It was addressed to the heads of the car-building departments of all the leading roads. The second, issued May 17, concerned the general subject of Federal regulation of the mechanical features of railroad working, and was intended to call out from those best informed and most interested the fullest discussion of that subject and of the facts bearing upon it. It was addressed to all State railroad

commissioners, to the grand masters of the chief organizations of railroad employés, and to a number of railroad experts and others who were known to have made special study of the matters in question. A number of the replies to this circular were prepared with much care and have great value, being in fact thoughtful discussions of the matters suggested by the circular, written from various points of view by men of ability and special knowledge. Both of these circulars, together with most of the matter elicited by them, will be found in Appendix 10.

The question of the prevention of loss of life and limb on railways has received study of late years from various quarters. It has been carefully investigated by the various State commissions whose reports have served as a guide to legislatures, to public sentiment, and often to the railroads themselves. In no direction has inventive and executive mechanical genius been more active or, on the whole, more successful. Some of the American inventors are not unworthy to be classed with Stephenson himself for what they have done to aid and perfect railway transportation. But perhaps the most important work of all, as far as mechanical appliances are concerned, has been done by the Master Car-Builders' Association, an organization little known to the general public, developed by the railway corporations themselves to meet certain requirements of modern railroading. This association meets annually, and, as regards one of its most important purposes, may be not inappropriately described as a federal assembly of car-shops, in which each railroad corporation has a voice, proportioned to the number of cars it owns, in determining upon those standards of uniform construction which extensive interchange of cars makes necessary. The conclusions of this body are recommendatory and not binding upon its members, its careful methods of procedure, likely to assure the best results, and the economies dependent upon uniform construction being relied upon to support its recommendations. Any improvement in safety appliances, then, which depends for its success upon uniform action by railroads all over the country, and the most important do so depend, must first secure the approval of the Master Car-Builders' Association.

The importance of this association will further appear in the course of a brief sketch of some of the problems relating to public safety which apparently call for solution through national legislation.

#### AUTOMATIC FREIGHT-CAR COUPLERS.

The subject of automatic freight-car couplers deserves first mention because of the large number of lives lost and limbs maimed in coupling cars, because these accidents are not of a sort to attract the public attention they deserve, and because there seems to be a practicable remedy. No satisfactory statistics exist of the number killed and injured in this kind of accident. For the year ending June 30, 1888, 326 deaths and 6,827 injuries were reported to the Commission as due



to this cause, but these numbers are somewhat less than the true ones, for the reason that part of the roads reporting keep no record which distinguishes coupling accidents from the total number. The danger of stepping in front of a moving car to guide a link into a pocket is sufficiently plain, and such a method of coupling has been considered for many years a reproach upon railroad construction. Nor is the danger of it the only objection to the link-and-pin system. It is both expensive and mechanically defective. The pins being loose and of some value, are constantly being lost and stolen. The coupling process is cumbrous and slow. If the cars coupled are not of the same height, one tends to hang, as it were, upon the other, often to the damage of both cars. The play or "loose slack" which each link permits causes every car to be started with a jerk, sometimes violent and injurious to both cars and freight.

It is a mistake, however, to imagine that these difficulties are easily remedied or that there have been, until very recently, automatic devices against which serious or fatal objections could not be brought. Although some thousands of couplers have been patented, the difficulty has been not to choose among good ones, but to find any good one. Nor can any mechanic, however great his experience, judge by looking at a coupling device or by merely mechanical tests, what defects it may have. The conditions are so complex that only various and extended trial in actual service will determine the merits of a coupler, and many which gave the greatest promise have failed in such a trial. Nor is it possible, consistently with public safety or with railroad interest, to neglect the non-mechanical consideration, most difficult of all to satisfy, namely, that automatic couplers to be successful must be of a uniform type throughout the country. It is not at all necessary that they be of the same patent, but they must couple automatically with one another. That this uniformity is essential, follows directly from the fact that freight trains are made up of a mixture of cars from many railroads, and that it is more dangerous to couple two automatic couplers of distinct types than to couple with the link and pin. In fact, it is the difficulty of obtaining this uniformity that now offers the most serious obstacle to the progress of automatic couplers and supports the demand of railway employés for some authoritative action.

Although the deaths and mutilations occurring in coupling cars had been repeatedly discussed in the reports of State commissions and railroads had been urged to move more vigorously towards adopting automatic couplers, the first legislative action was taken by Connecticut in 1832. The statute provided that automatic couplers, approved by the railroad commission, must be placed on all new cars, under a penalty. A statute nearly identical in its provisions was enacted by Massachusetts in 1884. In that year also the legislature of New York passed a law that after July 1, 1886, no couplers other than automatic should be placed upon any new freight car to be built or purchased for use in the

State. In 1885 a statute quite similar, naming the same date, July 1, 1886, was enacted in Michigan. Besides these of some years ago we have quite recently a New York statute, approved June 16, 1889, which provides that after November 1, 1892, it shall be unlawful for railroads to run any of their own cars in that State unless equipped with automatic couplers.

It may be said of the earlier statutes that their greatest usefulness was probably in showing the railroad companies that public sentiment was earnest on the subject and required that something be accomplished. Uniformity was not furthered since different commissions approved different couplers. The laws could not well be enforced upon roads only partly in the State. Many persons, including the present Connecticut commissioners, believe that the mixture of link couplings with a number of different automatic types tended to increase rather than diminish coupling accidents.

Attention, however, had been directed to the matter, and in 1884 it was the subject of earnest and thorough discussion by the Master Car Builders' Association, and definite progress was then made in the adoption of a resolution that "the vertical plane type of coupler was mechanically the best."

A "vertical plane" coupler, it may be explained, is one that permits an up and down sliding motion between the two parts, making it impossible for one car to hang or drag down upon another, as may happen with a link coupling. From this time the activity of the association, chiefly through its executive committee, was continuous and careful. A competitive test held by the committee in September, 1885, one of the conditions of which was that each coupler tested must be fitted as for actual service to at least two cars, resulted in the selection of twelve couplers for further trial. The principal points determined by the test were facility of coupling and uncoupling under difficult conditions, as on sharp curves, and strength to resist concussion.

In 1886 and in the spring of 1887 tests of continuous brakes for freight trains were carried on at Burlington, Iowa, under the direction of a committee of the Master Car Builders' Association, and on a very large scale. These tests had incidentally a great influence on determining the value of different types of couplers, since it was shown in the course of the experiments that, contrary to the previous belief, the same engine could start as many cars provided with the "vertical plane" couplers, which are a kind of hooks fitting close together and permitting no play between the cars except by compression of the draw-springs ("spring slack"), as it could of cars coupled with links, which have several inches play or "loose slack" between every two cars. It had before been urged, and generally believed, that the "loose slack," causing the cars to be started successively and permitting the engine to move several feet before starting all the cars, was a necessity in the handling of the heaviest trains.

The breaking down of this objection was, when added to other considerations, regarded by the committee as decisive, and at the Master Car Builders' convention in 1887 they submitted an elaborate report recommending one of the types of vertical plane hook couplers as the standard of the association. To determine what patent couplers came within the type it was suggested that an approved coupler be obtained from one of the manufacturers, and all others coupling with it in a satisfactory manner be regarded as belonging to the type. The next step was for the association to take a formal vote upon the standard thus recommended. Such votes are taken by letter ballot, a two-thirds majority being necessary to adoption. Each member representing a railroad is entitled to one vote and to an additional vote for each one thousand cars owned by the railroad. Upon a ballot of this sort the proposed coupler became a standard by a vote of 474 to 194. The precise form of the hook was left to a committee, and was published in April, 1888.

The standard of automatic freight-car couplers thus adopted by the Master Car Builders' Association is not strictly a single coupler, but a type or genus under which there may be an indefinite variety of patent couplers, differing materially in some respects, yet each capable of coupling automatically with every other. There are now perhaps a dozen patents under the type, and there will no doubt be more, so that it can not be said that its general acceptance would involve giving a monopoly to any patentee.

The activity of railroads in fitting their cars with these couplers has not, however, been satisfactory or as great as was generally expected. The natural way of introducing such an appliance is to have it placed upon all new cars and upon all old cars needing new draught rigging. A few roads only are doing this, though the Pennsylvania and other large systems are of the number. The first cost of the standard couplers is considerable, from \$20 to \$25 a car, as against \$10 to \$15 for the link-and-pin form, and is alone sufficient to deter many roads from adopting them. The movement for their introduction, too, is actively opposed by all interested in patent couplers which they would supersede. Some look upon the action of the association as premature and doubt its wisdom. Many are experimenting upon a small scale to determine which to choose of the patent couplers belonging to the type. The principal obstacle, however, is quite generally stated to be the need of uniform action. Automatic couplers serve no good purpose unless their use is so general that cars fitted with them come together in actual service, and are not lost among the multitude of cars fitted with link and pin. The automatic coupler is automatic only with another automatic coupler, and not with a link. When it meets the link a coupling must be made by hand, and is quite as dangerous, or more so, as that between two cars both rigged for the link and pin. At present only a very small fraction of the couplers in use are automatic. Obviously,



then, there is a strong motive for each road to put off spending its money in making the change until assured of general co-operation.

The case may be summarized somewhat as follows: A few large roads have actually adopted some form of the Master Car Builders' coupler, and are bringing it into use as fast as could reasonably be expected. Many others are experimenting with various forms. A few, principally in New England, are actively opposed to the standard. A very large number mildly favor it but are waiting for general action. The smaller, poorer, and less progressive roads are generally indifferent to the whole question.

Meanwhile coupling accidents are as numerous and distressing as ever, and the question is raised whether the action of the Master Car Builders should not be seconded by national legislation. That it should is the view that seems to prevail among the employés whose lives are endangered and is held by many others. It derives support from what appears to be the impossibility of securing the necessary uniformity in any other way. On the other hand, there are grave objections to such radical action. Those railroads who are moving slowly in the matter may urge with plausibility that the question is comparatively new and one of great importance and that not only pecuniary interests but those of public safety also will be, in the end, best served if they act cautiously and only after sufficient experiment. The standard was not finally settled and drawings of it published until April of 1888, and some particulars, not, however, essential, were determined only in the present year. However unfortunate the present condition may be it is not likely that any good will result from acting with undue haste. The requirements of a general law, which might be entirely reasonable for some roads, would work serious hardship to others and probably result in forcing into use the cheapest and least desirable forms of the standard type.

Closely connected with the question of automatic couplers is that of a standard height above the rail for the coupling head or draw-bar and standard proportions and position for the dead-blocks or buffers which take the shock of violent concussions. The danger of coupling by hand is greatly increased if the parts connected are not of the same height. A standard height was adopted by the master car-builders in 1872, and the fact that it is not closely maintained by car-builders shows the difficulty of securing uniformity even in a very simple matter. If the dead-blocks are not similarly placed on two colliding cars they fail in their office altogether, and if they are badly placed they imperil the brakeman. In this, as in other matters, uniformity is in itself a principal means of safety, since a man is much less likely to be injured when familiar with the apparatus he is dealing with than when it is strange to him.

## CONTINUOUS BRAKES FOR FREIGHT TRAINS.

In this country the use of automatic air-brakes, continuous through the train and operated principally from the engine, is almost universal upon passenger cars. The control of freight trains in the same way, scarcely thought of ten years ago, has of late made considerable progress and, questions of safety aside, is looked upon as promising one of the greatest advances in railroading that have ever been brought about. As a means of saving life it does not yield in importance to the use of automatic couplers. This saving is effected chiefly in three ways.

First. By diminishing the number of collisions and train accidents of all kinds. A freight train running at high speed can be stopped, if fully equipped with continuous brakes, in a distance less than its own length. If hand-brakes are relied upon it will usually run half a mile or more. It is thus, in the first case, subject to the immediate and efficient control of the engineer, who can stop it in a few seconds on the appearance of danger. Collisions are also frequently prevented by the automatic action of continuous brakes which, in case a train parts by the failure of a coupling, immediately brings both sections to a stand. With hand-brakes, and especially on a steep grade, such accidents, which are quite common, often result in a collision between the parts of the broken train.

Second. The destructive effects of derailment are greatly decreased, since any displacement of cars sufficient to break the air-hose connecting two of them at once sets the brakes throughout the train and brings it to a stop, perhaps when as yet only a few cars have had time to leave the track.

Third. Continuous brakes do away for the most part with the necessity for traversing the tops of moving trains. Under the old system, which is still the general one, the men are out on the darkest nights and in the coldest weather, sometimes when the roofs are covered with ice, making their way from car to car, setting or loosing the brakes. The returns to the Commission do not show the number of men killed and injured in falling from cars, but an estimate may be made by taking that proportion of the totals which is usually found to be due to this cause. Such a process gives: Killed, 613; injured, 4,025.

Besides preventing and mitigating accidents continuous brakes make it possible to run heavier trains, a greater number of them, and at a higher rate of speed than would otherwise be safe.

In their development they afford an interesting exemplification of the high degree of organization attained by the mechanical branch of the railroad interest and of the magnitude of the experiments it is in a position to undertake to determine the value of appliances. At the tests held in July, 1886, and May, 1887, near Burlington, Iowa, upon the Chicago, Burlington and Quincy road, and under the direction of the Master Car Builders' Association, each competing brake company

was required to furnish a complete train of fifty cars fitted with the appliances to be tested. The test upon each of the two occasions lasted three weeks; the trains were put through the most various and trying evolutions, every significant fact capable of measurement being recorded by carefully prepared apparatus. Since then long trains fitted out by brake manufacturers have on several occasions traversed the country merely for the purpose of testing and advertising some form of continuous brakes.

The outcome of these experiments and of the improvements resulting from them has been a high degree of efficiency.

The obstacles to the introduction of continuous brakes are much the same as those in the case of automatic couplers; first cost, about \$50 per car, and the need of simultaneous action by many railroads. The continuous brake apparatus on any one car depends for its usefulness upon other cars being equipped in the same way. Any car not so equipped cuts off all behind it from communication with the air-pump on the engine and without this communication the brakes are worthless. The apparatus begins to be effective only when a number of cars provided with it are brought together at the head of the train. Consequently the capital invested before the movement becomes somewhat general must in large part lie idle.

Wherever freight trains are run for long distances without being broken up upon roads which do not employ a large proportion of foreign cars, the conditions are favorable for continuous brakes. The greater part now in use are found west of the Missouri River. On the other hand, short lines doing most of their business in the cars of other roads can not well adopt them.

The subject of automatic couplers and continuous brakes for freight trains is of especial importance, because the fact that these improvements are but slowly and cautiously introduced makes the principal ground for the feeling that the lives and limbs of railroad employes do not receive such consideration in the conduct of railroads as justice requires they should receive. There are forcible papers on this subject in the appendix.

It is perhaps to be assumed that expensive changes in equipment are and will be made by railroads only as they are expected to be profitable, and that life-saving is not always given sufficient weight. But it is by no means a fact that railroad officers as a class are indifferent to humane considerations, and much of this sort that is said is wholly unjust. Among them are not infrequently found men by whom the safety of their employes is held of the first importance and who are willing to make disinterested efforts to secure it. But such feeling is not, perhaps, most commonly found among those who have power to appropriate sums of money to carry out their wishes. With the higher officers and with the board of directors the safety of trainmen is likely to be a somewhat vague consideration, not forced upon the attention by personal observa-



tion and not so distinctly brought to their attention as are the facts pertaining to their pecuniary interest.

Nor should much weight be given to the statement sometimes made that employés can not be protected; that they are usually themselves responsible for accidents, being reckless and unwilling to take the precautions that would save them. It need not be claimed for them that they are more cautious than other men, but only that their duties should, when possible, be made such that a reasonable degree of caution will protect them. It is not easy to see that a man whose foot catches in a frog while his attention is concentrated upon effecting a coupling, or who slips from a car on an icy night, is necessarily reckless. There is no reason for supposing that trainmen value their lives less than other people or are less careful of them. A brakeman is as cautious as a general manager would be with the same duties, the same haste, exhaustion, and exposure. It is surprising that such arguments should have weight with any one.

#### HEATING OF PASSENGER CARS.

Early in the year 1887 the phrase "the deadly car stove" began to be familiar. Its deadly nature was not then a new discovery. Often before, as at Ashtabula, in December, 1876, it had added the horror of fire to the others which attend a railroad accident. But as yet no persistent public demand had been made for its abolition, possibly because the public had not realized that a substitute was practicable. But the winter of 1886-'87 brought a series of accidents, which, being detailed in the press, made the public familiar with the picture of living men and women held beneath the timbers of a wrecked car and slowly burned. The Rio disaster on the St. Paul road, October 28, 1886, when seventeen persons were burned to death, was followed January 4, 1887, by the burning of thirteen in a wreck at Republic, Ohio, and February 5 by the crushing and burning to death of thirty more at White River, Vermont. Lesser horrors of the same kind were not wanting. At that time systems of heating which do not require a fire in the cars were little in use except upon the New York Elevated Railroad, where cars were heated by steam from the engine.

As soon, however, as the traveling public began to believe that stoves were dangerous and could be dispensed with it became the aim of every enterprising road, solicitous for its popularity, to do away with them as fast as possible. Nor was the public in all cases content until its protests had taken an authoritative form. In Massachusetts, New York, and Michigan statutes were passed in 1887, the aim of which was to make the use of common stoves in passenger cars illegal after the winter of 1887-'88. The result of this agitation was great activity on the part of railroads and inventors in originating and improving heating devices and in experimenting with them. Safety heaters, which, though requiring a fire in each car, were constructed with special ref-

erence to preventing its spread in case of wreck, were already in considerable use. These, however, though not forbidden by the statutes of Michigan and Massachusetts, were looked upon with some suspicion and thought was for the most part directed to devising plans for heating cars by steam from the engine.

The problem whose solution was thus undertaken is a difficult and complex one, and is, after two winters' experience, though greatly advanced, still in an experimental stage. The legislators of 1887 overestimated in some cases what it was practicable for the railroads to do. The statute of New York required that after November 1, 1888, cars must not be heated by any form of stove or furnace kept in the car. In 1888, however, it was amended so as to give the railroad commissioners power to extend the time, in special cases, for a year longer. In Connecticut the commissioners, empowered by the legislature, issued in December, 1887, an order that all new passenger cars built or purchased for use in the State must be equipped for continuous heating. This order was generally disobeyed, and the commission, after further investigation, condones, in its last report, this disobedience on the part of the roads, and intimates that it was justified by the unsatisfactory working of continuous-heating appliances.

A mere mention of some of the more obvious difficulties of continuous heating may serve to show that the problem is not an easy one. It has been claimed that in case of wreck the steam escaping from the broken pipe would scald to death imprisoned passengers. There is doubt if this danger be a serious one, but to diminish it steam is usually carried at low pressure. It is often necessary to heat cars which are not connected with an engine. This is the case with sleeping cars standing at stations and may be the case with a train on the road and in the coldest weather, as when the track is blocked by snow and the engine is sent for help. A stove and fuel, as a provision against the latter emergency, should be carried in every car. The maintenance of a uniform temperature throughout long trains offers also considerable difficulties. Probably the most serious difficulty, however, concerns, just as in the case of automatic couplers and of continuous brakes, a question of uniformity. Through cars, especially sleepers, traverse several roads and can use no system of continuous heating which is not the same, in certain important respects, as that of each of the roads over which they pass. In these respects, where uniformity is important, there is at present the greatest diversity. There have been various attempts by those interested to bring about an agreement upon the form of steam hose coupling to be used between the cars, but so far without any promise of success.

There are now a dozen or more couplers upon the market and a committee of the Master Car Builders, appointed in 1888 to recommend one as a standard, found the difficulties so great that in their report this year they refused to do so. Some systems of heating use two

pipes throughout the train, making a complete circuit from the engine to the rear car and back. Some have only one pipe. Some make the connections between cars below the platforms, some above, some at the roof of the car. It is plain that cars differently fitted in these respects can not be connected for continuous heating.

Upon the whole it appears that the more progressive railroad managers have shown energy in this matter and a sincere purpose to extend the use of continuous heating as fast as practicable. The present condition, however, is far from satisfactory, and towards the essential point of uniformity it is not apparent that any real progress has been made.

The problems of light and ventilation are naturally suggested by that of heating, but to cover, even in the most cursory manner, the whole subject of safety and comfort on railroads would be a tedious task and aside from the present purpose, which is to give such brief exposition of some of the more important matters as may help to show why Federal regulation has been thought desirable and perhaps to suggest something of the difficulties it would have to meet.

Brief mention may here be made of the block system and of interlocking, to encourage wider use of which would undoubtedly be a part of the duty of any Federal agency taking cognizance of such matters. Under the block system the line of railroad is divided into sections a few miles long called block sections or blocks, so guarded by signals as to prevent two trains being in the same block at the same time. As soon as a train passes into a block at one end the signals for the block are set at danger and remain so until it passes out at the other end. Interlocking is a mechanical device by which the levers actuating a number of signals and switches are brought together and interlocked; that is, made interdependent in their movements so that the fact that a switch is open will make it impossible for the signal which indicates that the track is all right to be displayed. A draw-bridge and a signal may be interlocked so that when the bridge is open the signal is necessarily at "danger," and the signalman can not put it at "safety" even if he tries. Or a complicated system of switches and signals, such as is always necessary at freight or passenger stations where much traffic is handled, may be so controlled that it is mechanically impossible that they should occupy dangerous or inconsistent positions.

#### VIEWES OF STATE COMMISSIONS.

In view of the extensive interchange of cars, both freight and passenger, making it necessary that regulation in such matters as couplers, train-brakes, and heating appliances should be general and uniform in order to be effective, it is not surprising to learn that State regulation has been found unsatisfactory. In its report for 1886 the New York railroad commission says:

To attain the main object of an automatic coupler, *i. e.*, to save the lives and limbs of trainmen, it is most desirable that but one device should be in universal use. If there is diversity it will increase rather than diminish the present dangers.



There appears to be but two ways for this to be brought about, one by the operation of the law of the "survival of the fittest," the other by the creation by Congress of a commission to determine upon one coupler and compel its adoption by all companies engaged in interstate commerce.

The first method it would seem will be slow beyond all computation from the present indications. There appears to be no good reason, however, why the second could not be done.

Under its power to "regulate commerce among the several States" Congress has already prescribed rules for the inspection of hulls and boilers of steam-ships, for the examination of engineers as to their competency, for vessels being provided with boats, life-preservers, and for many similar things to insure the safety of travel by water.

It would seem that the same power could and should be exercised to insure safety in the operation of railroads.

In 1887 the Massachusetts commission says:

The tendency of opinion among railroad men is toward the selection of some vertical plane coupler. But it seems doubtful whether any one will be universally adopted, unless its use for interstate commerce shall be compelled by Congressional action. It would seem, however, that all compulsory State legislation, prescribing the use of any one coupler, must be unconstitutional and void so far as it relates to interstate commerce, for no State can direct the manner in which interstate commerce shall be conducted, and so much of our commerce is interstate that only an insignificant fraction will remain subject to the restrictions of local legislation in this respect. If this be so, it is probable that efforts will be made to provide mechanical safeguards to the great volume of traffic which is subject to interstate and international law.

In the report of the commissioners of New Hampshire for 1888, we read:

No commission whose authority is bounded by State lines can go fast or far in compelling the roads within its jurisdiction to adopt safety devices and appliances necessary for the protection of employes and passengers, such as steam heaters, electric lights, and automatic couplers. Even if we assume that a State may delegate to a commission the power to prohibit upon its territory any but approved equipment upon cars used in interstate traffic, it is absolutely necessary that such equipment should be uniform upon all roads constituting a through line, and the obstacles in securing uniformity by the action of the several States through which such roads pass are apparent.

The regulation of these matters may properly be, and indeed must be, left to Congress or the Interstate Commission, which can prescribe rules applicable to the entire country, and make orders that can be enforced upon entire railway systems. With this in view the board has this year joined the commissions of other States in addressing to Congress a petition asking that the Interstate Commission be required to investigate the subject and propose some plan by which the desired results can be secured.

The same feeling was expressed in the resolution passed by the convention of railroad commissioners held at Washington in March of the present year:

Whereas thousands of railroad employes every year are killed or injured in coupling or uncoupling freight cars used in interstate traffic and in handling the brakes of such cars, and most of these accidents can be avoided by the use of uniform couplers and train-brakes; and

Whereas the success and growth of the system of heating cars by steam from the locomotive or other single source largely depends on the adoption in interstate traffic of a uniform steam coupler; and

Whereas these subjects are believed to be of pressing importance and within the proper scope of the powers of the Congress of the United States, while attempts on the part of the individual States to deal with them have resulted and must continue to result in conflicting regulations:

*Resolved*, That we do respectfully and earnestly urge the Interstate Commerce Commission to consider what can be done to prevent the loss of life and limb in coupling and uncoupling freight cars used in interstate commerce, and in handling the brakes of such cars, and in what way the growth of the system of heating passenger cars from the locomotive or other single source can be promoted, to the end that said commission may make recommendations in the premises to the various railroads within its jurisdiction and make such suggestions as to legislation on said subjects as may seem to it necessary and expedient.

#### PROBLEM OF FEDERAL REGULATION.

If it is assumed that the condition of things thus briefly outlined calls for some Federal action in the interest of safety, particularly of the safety of workmen in railroad employ, it remains to consider what that action should be.

Two distinct ways of proceeding are naturally suggested. Congress may, should it see fit, pass definite statutes requiring that certain appliances be brought into use upon all the railroads of the country within a certain time; or, having in view the difficulty and importance of the question, it may prefer to make some provision for its further investigation, trusting that the mere fact that such an investigation is in progress will not be without immediate results.

This Commission is not prepared to recommend a national law prescribing appliances. It does not assume to say that such legislation will never be advisable, but it is not prepared to say that it is advisable at present. The difficulties of formulating a law from which good results could be expected are certainly very great, if not insurmountable, and, although pains have been taken to secure the views of all interested, no legislation of this sort has been suggested that seems plainly to be wise and safe. A statute requiring that all freight cars be fitted with automatic couplers by a certain date—a requirement against which it is probable that less could be urged than against any others suggested—has already been shown to be open to serious objections. It is impossible to say what the results of such a law would be, but there is no certainty that they would be good. If it did not bring about uniformity—and there is no assurance that it would—it would be most injurious to all interests involved, including those of public safety.

While it is no doubt highly desirable that results be reached as soon as possible, it is still more desirable that no mistakes be made. Nothing could be more unfortunate than a repetition, on an enormous scale, of the unsatisfactory results of State legislation. If the State statutes of a few years ago regarding couplers had been national statutes, it seems

plain that the question would be in less hopeful condition than it is at present. The effect of that legislation was to hasten the adoption of a variety of automatic couplers, most of which must of course be set aside if uniformity is to be attained. In fact, the strongest opposition to the Master Car Builders' type of coupler—the one that, so far as can be seen, has most chance of uniform adoption—is found in New England, where, as a result of State legislation, automatic couplers not of that type have secured a strong hold. A reasonable prudence and regard for the lessons of previous experience require that action involving the compulsory use of particular appliances should be undertaken only with the greatest caution and upon more thorough investigation than has as yet been practicable. It has been suggested that for the present, at least, the interests of safety would be better served by providing for a board of specialists, so constituted as to command respect from both the the railroads and the public, whose business it would be to make investigations and recommendations relating to railroad casualties.

To determine in detail precisely how such a board or bureau should be organized, just how much it should be expected to accomplish, and what powers should be given it, is a matter of much delicacy, in the study of which careful attention should be given to bodies of a similar sort now in existence.

Although we have had in this country no national inspection of railways, we have had for nearly fifty years something closely analogous to it in the steam-boat inspection service. And to find a nation which undertakes the inspection of railways with a view to the protection of human life we need go no farther than England, a country where the relations between railways and the government are in many respects similar to what we have at home. Such inspection is also undertaken in the countries of the Continent of Europe, but as the conditions in those countries are much less like our own than those in England, their methods are not so instructive. These two examples of effort on the part of Government to increase the security of human life, the steam-boat inspection service of the United States and the English system of railway inspection, may profitably be regarded as representative of two distinct principles, both of which may be usefully studied in dealing with the subject now under consideration. In the former we have an example of an inspecting agency which not only investigates safety appliances and makes recommendations and reports, but also has considerable powers of actual interference and control. In the English statute under which inspectors are appointed it is expressly provided that "no person so appointed shall exercise any powers of interference in the affairs of any company." Both systems are successful, but it is clear that this success must be achieved in somewhat different manners. It is clear also that the inspecting agency, which has the more power, will require the more elaborate organization and incur the greater responsibilities. The system of steam-boat inspection under our own laws is



assumed to be familiar; a brief statement of the system of railway inspection in England is here given.

Although the English system of inspection of railways by officers acting under the direction of the Board of Trade dates back to 1840, the statute determining the powers and duties of the present inspectors was passed, like our act to regulate steam-vessels, in 1871. That statute, after authorizing the appointment of inspectors, "provided that no person so appointed shall exercise any powers of interference in the affairs of any company," gives each inspector power to inspect any railway, and all its stations, works, buildings, rolling stock, etc.; to require the attendance before him of any person in the management or employ of a company; to require such person to answer his inquiries, and to enforce the production of any papers he considers important for his purpose. Provision is also made for a more formal investigation in very serious cases to be conducted by a court, consisting of an inspector and persons designated by the board of trade to assist him. Such a court has no power beyond what is necessary for investigation. Its function ends when it submits a report of its findings to the Board of Trade.

Under this act the Board of Trade appoints as inspectors three officers detailed from the Royal Engineers.

Their position is practically a permanent one, and they are of course men whose character and abilities command respect from all quarters. Whenever an accident occurs in the United Kingdom of which the Board of Trade desire to make investigation (there need not necessarily have been any loss of life) one of these officers is selected to make it. He proceeds to the scene of the accident, conducts his investigation, and makes his report. As soon as this is printed a copy is sent to the management of the company on whose line the accident occurred. A blue book containing these special reports together with complete accident statistics, is published quarterly. The number of reports for each quarter, of course, varies greatly, but the average is about twenty-five. They enter into minute detail and yet are clear and vigorous. A short account of the accident and the damage done in it comes first; then follows a careful description of the surroundings; then the evidence in a concise form; and finally the concluding portion, in which the accident is discussed, responsibility fixed, and recommendations made.

The only power in the nature of actual interference which inspecting officers exercise is in the case of a new line. Such a line can not be opened till the Board of Trade gives its sanction, and the inspecting officers can and do require that everything that they think necessary for safety be provided before they recommend that this sanction be given. But when sanction is once given, the Board has no further power. After the line is open the company may even remove works which it has erected to obtain the Board's sanction; and there is no remedy.

Besides the quarterly publication of returns of accidents already

mentioned, two other documents, relating to safety appliances, are regularly issued by the Board of Trade. One is issued half-yearly, and relates to continuous brakes on passenger trains. It is made up chiefly of returns which the companies are by act of Parliament required to make, showing in the most complete manner the number and proportion of passenger cars fitted with continuous brakes, the kind of brakes used, every case of failure of continuous brakes to act, giving cause of failure in detail, and in general the progress in the use of continuous brakes from year to year. The second document is published yearly and contains similar returns relative to the interlocking of switch and signal levers and the block system. The purpose of these publications seems to be to assure complete publicity, to keep the people and the railroads themselves alive to what the latter are or are not doing, and at the same time to furnish data from which the efficiency of various appliances may be studied. In addition to these regular publications the Board from time to time issues circulars pertaining to matters in which especial pressure seems to be necessary.

Although the success of this unpretentious system of regulation has been very decided, there has frequently, at times when accidents appeared especially numerous, been considerable agitation to have the supervisory authority of the Board of Trade extended. After investigation, however, the proposition to give the Board powers of direct control has invariably been rejected, and none have opposed it more strongly than the Board itself and its inspecting officers. During the past thirty years the prevention of accidents has several times been the subject of parliamentary inquiries, the most thorough of which was made by a royal commission appointed in 1874. Their report, presented three years later, is accompanied by a quarto volume of evidence, containing 1,150 pages. Regarding an extension of the powers of the Board of Trade, they speak as follows :

Large as are the powers now possessed by the Board of Trade and the railway commission, in respect of railways, they are so adjusted and so limited as to leave with the companies the undivided responsibility of working their lines. The first and most important question, therefore, which we have had to consider, as affecting the entire character of our report, is whether our investigation leads us to advise a departure from this policy which has heretofore characterized railway legislation.

With this point in view we have given a wide scope to our inquiry. We have not only examined the responsible officers of the Board of Trade and of railway companies, but we have also received the statements of railway servants of every grade. We have, moreover, personally inspected railway premises and works in various places throughout the kingdom, and investigated on our own behalf certain typical cases of railway accidents. And, in conducting these inquiries, we have given the fullest consideration to the system of railway management, especially with respect to the condition and dangers of railway servants. But upon full consideration we are not prepared to recommend any legislation authorizing such an interference with railways as would impair in any way the responsibility of the companies for injury or loss of life caused by accident on their lines. To impose on any public department the duty and to intrust it with the necessary powers to exercise a general control over the practical administration of railways would not, in our opinion, be either

prudent or desirable. A Government authority placed in such a position would be exposed to the danger either of appearing indirectly to guaranty works, appliances, and arrangements which might practically prove faulty or insufficient, or else of interfering with railway management to an extent which would soon alienate from it public sympathy and confidence, and thus destroy its moral influence, and with it its capacity for usefulness.

Even the powers now expressed by the Board of Trade in respect of new lines of railway are not wholly free from these objections. Here, however, the practical evils are so slight and the benefits are so considerable and definite that we think the only question is whether these powers might not be still further increased. But once a railway is opened the State now holds the company responsible to maintain it and work the traffic in a manner compatible with the public safety. The Government inspecting officers have powers of inspection, and their reports are exceedingly valuable; but to go further and clothe a government department with unlimited powers to interfere in the interests of public safety with the detailed working of traffic upon railways must necessarily create a concurrent responsibility, and in whatever measure this responsibility be cast upon a government board the responsibility now resting upon railway companies will be diminished.

This reasoning seems to be amply supported by the evidence, and, together with the other objections noticed, is believed to be conclusive against the institution of an administrative agency with power to enforce upon railroads the use of particular appliances.

In the consideration of the general subject of railroad inspection and supervision it should not be overlooked that there are in many of the States, if not all, statutory provisions of more or less vigor for the inspection of railroads in the respective States by State officials. The reports of some of the State railroad commissions show that their inspection of the railroad as a structure is very thorough. Some of the reports are also very full and complete as to accidents, showing their cause, nature, and extent, and in establishing the individual responsibility therefor when negligence or want of care was the cause. Twenty-six States have already provided for State commissions with powers and duties varying somewhat in degree, but of the same general character. The tendency is in the direction of increased power and duties in these boards. Judging from their rapid growth in the past both in numbers and scope, probably every State will soon have a commission upon which will be imposed, among other things, the duty of thorough annual inspection of the roads in each State, respectively, and of investigation of all matters pertaining to accidents and injuries in railroad operations. The necessity for Federal inspection and regulation will exist, as already shown, more especially where uniformity is required in safety appliances in the train equipment.

With these general statements the whole subject is submitted to the wisdom of Congress. It will be perfectly obvious, on what is stated, that if any system of Federal inspection or supervision in respect to railroad appliances is provided for it must be impossible for the members of this Commission in person to perform the duties of such inspection and supervision.



## INSURANCE FUNDS, AND THE RELATIONS OF CORPORATIONS AND THEIR EMPLOYÉS.

Though questions relating to the well-being of men in railroad employ and of their families are not by the act to regulate commerce expressly referred to this Commission, they are not so far foreign to it as to preclude their receiving some attention at our hands. Indeed, the prosperity of railway corporations and the safety and usefulness of the service performed by them is largely connected with the condition of their employés, and is therefore not only natural that public interest in such condition should be largely enlisted on humanitarian grounds, but that also it should receive the attention of public authorities because of its being a matter of general concern. The number of these employés is very large. Their work is of peculiar importance to the public, and is performed under circumstances of great responsibility and danger. All these circumstances not only give them special claims upon public consideration, but enlist the public attention because of the large interests that all classes of the community have in the safe and judicious performance of their duties, which must always depend in some degree upon their ability to make proper provision for themselves and their families.

A comprehensive view of the relations which exist between them and the corporations by which they are employed is therefore no less interesting than important; and it seems desirable to the Commission that facts should be gathered showing not only what provisions were made in the nature of insurance for the persons and families of employés by organization among themselves, but also to what extent their employers have made provisions for funds to accomplish a like purpose. For this purpose circulars were addressed to the heads of the most important orders now in existence composed of railroad employés, and also to officials of eighty-five of the leading railway companies. The result of the information gathered by these circulars will appear in an appendix to this report.

The main points upon which information was sought from the organizations of employés were: Whether the order or organization provided any sort of insurance or benefit fund for the relief of the families of members in the event of injury, sickness, or death of the member; whether any rules of apprenticeship prevailed before admission to the organization; whether grades of service among engineers and conductors were recognized, either by the organization or by their employers, and, if so, what were the conditions of such grades, and whether promotions among shopmen were made from the men so employed or from outsiders.

The principal questions asked of railroad managers were substantially the following: Whether an insurance or guaranty fund was provided for employés in case of their disability by accident or illness,

or to relieve their families in either event, or in case of death. If so, all facts relating to the mode of accumulating such fund, its maintenance, disbursement, and conditions were called for; also, whether eating or lodging houses have been provided for trainmen when from home, or reading-rooms or other resorts; whether the company addressed had an established system of technical training for its men; whether a regular plan of promotion existed as an inducement to the employés to attain a high degree of efficiency; and whether special rules were promulgated to make sure of obtaining competent locomotive engineers and other trainmen.

An exhaustive analysis of the replies sent to the circular will not be attempted here, but an examination of them will prove interesting and profitable.

On the part of the labor organizations it is made to appear that there has been a very general adoption of something in the nature of a mutual insurance system on the assessment plan, whereby in case of injury or disability from sickness the beneficiary draws a stated weekly allowance, or, if death ensues, his family is made sure of a sum that will at least suffice to remove immediate want. There is every evidence that this insurance feature has the hearty support of the several brotherhoods or orders, and is greatly to the advantage of the members. The only questions made related to the methods to be employed and the persons to whom control should be given. Funds devoted to this purpose seem, so far as may be judged from the reports, to have been well managed, and the success that is claimed to have attended all efforts in this direction may be expected to continue with the spread of the system. An expression adverse to the relief associations organized by certain of the railroads is set forth by the grand secretary and treasurer of the Brotherhood of Railroad Brakemen, whose reasons will be found given in detail in Appendix 11.

In the matter of rules governing apprenticeships no fixed system seems to prevail, nor any desire to interfere with company regulation.

As to promotions, the prevailing sentiment favors making length of service the determining factor where other things are equal, and the bringing of men from the outside to fill positions is spoken of as a cause of dissatisfaction in one of the brotherhoods. Those who speak for the principal orders are unanimous in expressing their belief in the good results attending such associations, not only to those who are thus banded together, but to the employing companies. It is insisted that a more trustworthy and efficient class of men is secured thereby. One of the organizations, in particular, makes sobriety a condition of membership, and deviation therefrom a cause for expulsion. Harmonious relations between employers and employés are noticed in several communications.

The inquiries addressed to the railroad companies are quite fully answered and embody much valuable information. All to whom the

circular was addressed have responded fully, and of the eighty-five answering, twelve appear to have instituted insurance funds in the interests of their men; five others have hospital funds; five have benefit associations, supported wholly by employés; one contributes annually \$500 for a like purpose, and one contemplates starting an insurance department at an early day. Fifty per cent. of the lines heard from furnish eating or lodging houses to their employés needing them. Twenty of them provide technical education to a greater or less extent, but in all cases where no regular technical training is supplied as such training the apprenticeship system prevails or men are selected who have proved their competency by actual service. It is plain from the responses obtained from both classes that with the growth of closer relations between employés and the corporations not only are the interests of both greatly promoted, but the public is assured of better and more efficient transportation service.

#### RAILROADS IN FOREIGN COUNTRIES.

In January, 1888, the Commission addressed a communication to the Secretary of State, expressing the desire that the Commission should be furnished with copies of such publications relating to railroads and internal commerce as are issued by foreign governments, and requesting his assistance in procuring the same. In compliance therewith the State Department transmitted to the Commission documents pertaining to railroads in China, Japan, Persia, Norway and Sweden, Netherlands, Dutch Colonial Possessions, Russia, Island of Trinidad, Uruguay and Paraguay, Argentine Republic, Chili, and Mexico. Extracts from some of these documents and abstracts of others are attached hereto (Appendix 12). The Commission is in possession of much information from other sources in respect of railroads in other foreign countries, which need not however be given at this time.

#### HOW THE ACT HAS BEEN ADMINISTERED.

The general course pursued by the Commission in the practical administration of the provisions of the statute, and the scope of its authority, are proper subjects of public interest.

The paramount aim of the Commission has been the object for which the statute was enacted, namely to bring the transportation business of the country under the control of its provisions. Undoubtedly the first duty of an administrative officer is to give effect to the law under which he acts. Much depends, however, on the manner in which this is done, and misdirected energy may render a law nugatory. A fanatical or sensational course rarely leads to good results, but, on the contrary, usually provokes antagonisms, and often tends to defiance of the law itself.



When a law relates to great business interests intended to be governed by its provisions throughout the whole extent of a vast country with many diverse characteristics, great care is required to so administer the law that it shall be respected and obeyed. In a matter of such magnitude and importance as the transportation business of this country many other things are required besides prosecutions for violations. Careful interpretations of the provisions of the law, correct knowledge of the subjects to which it applies, and of any distinctions in conditions that may modify its application, are necessary, in order that it may be intelligently applied. A reasonable time was also required to enable business interests generally to become familiarized with the changed methods under the law, and for carriers to adjust their classifications and schedules and their modes of business to the new requirements.

It was deemed a matter of primary importance to bring the interests affected into harmonious relations to the law, and to understand that, while it revolutionizes certain methods, it is something more than a merely punitive statute, defining crimes and providing for their punishment, and that its ultimate purpose is the general good of the country, not less of the carriers themselves than of the public. This may involve what is sometimes called an educational process, but when many courses of long standing are to be unlearned, as well as right courses to be learned, it is an important process in dealing with intelligent men, not essentially bad nor engaged in criminal pursuits, but whose faults were in many respects wrong methods in the conduct of a legitimate business, in which they had too often been taught that success might be regarded as justifying the methods employed. A standard of right and wrong as well as of legal duty was to be set up, and conformity to this standard induced, if possible, by the conviction that their true interests would be better promoted. The numerous complaints from parties interested, calling for investigation and decision, and the opportunities they afforded for explaining the principles of the law and pointing out the rules to be observed, it was thought would for a time largely aid in producing this conviction, and perhaps suffice in the form of prosecutions. It was not doubted that, if the carriers of the country, managed in great part by well-informed and able men, could become convinced that compliance with the law would result in better relations between themselves and between carriers as a class and the public, and that their interests would be subserved in consequence, only exceptional instances would remain to be dealt with by punitive methods.

Much attention, therefore, has been given to this aspect of administration, and the Commission believes that upon the whole good results have followed, and that the body of the carriers of the country are in accord with its efforts in this direction and desirous in general to cooperate in the enforcement of the law.

In consideration of the motives that usually influence human con-

duct in great business affairs in which the whole country is concerned, it was believed that at the outset at least, and until leading principles were fairly settled, it would be more profitable for the Commission for the most part to lay down rules of conduct for the present and future, and by frequent conference and intercourse with managers to have those rules observed, than to devote its time mainly to instituting and conducting penal and criminal prosecutions. There is also in the public mind a sense of incongruity between the prosecuting function, involving as it does detective methods and an attitude of hostility, and the judicial function, rightly expected to require impartial and just investigation and decision of controverted questions of law and fact. It is a fundamental principle, and generally provided for by statutes, that every man shall have a fair trial before a tribunal free from any possible bias that might arise from relationship, interest in the result, or partisan connection as attorney or counsel, or who may become a prosecutor in the transaction.

It is not intended to be implied that official prosecutions should not be instituted directly by the Commission. The enforcement of the law by the methods provided for in the act is part, and a material part, of its duty, and prosecutions constitute one of those methods. It is only meant that prosecutions in the courts, inaugurated and carried on by the Commission, would necessarily have superseded other duties that were more useful and apparently more important. The preparation and conduct of prosecutions, if made the main duty, would inevitably occupy nearly the whole time of the Commission, and leave little opportunity for other matters. Such prosecutions must take place in the United States courts. They are not cognizable before the Commission. The jurisdiction of the Commission does not cover suits for penalties or criminal indictments. The theory of the act is similar to that upon which several State commissions have been created, that the Commission shall investigate and report its conclusions of fact and law, and in certain instances award reparation for damages, but that its determinations are only enforceable in the courts, for which purpose its conclusions of fact are *prima facie* evidence.

The publicity that ensues from the exposure of practices or acts that are wrong, or in contravention of the statute, brings the force of public opinion to bear upon them, an element of great importance in the administration of all laws, and the conclusions, or even suggestions, of the Commission are almost invariably acquiesced in by the carriers.

Any person is at liberty to prosecute in the courts for penalties or crimes under the act, or for infractions of its provisions, and any party to a proceeding before the Commission may resort to the courts to have its conclusions or awards enforced in a summary way. One serious difficulty, however, that exists in penal and criminal prosecutions, is in procuring testimony to show violations of the statute. The more public

violations, such as failures to file and publish tariff schedules, or greater charges for shorter than for longer distances when not claimed to be justified under the law, are of rare occurrence, and no one is a party to them except the carrier, but violations of a more private character, such as rebates or discriminations in rates for freight or passengers, or underbilling or false billing of traffic, can not exist without complicity between the shippers and the carriers. These are never open or public, but secret. The interest of both parties to the transaction requires concealment, as well to escape the penalties of the law as for other reasons. Proof of such cases is obviously difficult to obtain. Instances occur in which the inference is strong that some feature of the law has been violated or evaded, but inferences to warrant convictions must be drawn from facts and circumstances proved, and when both parties to such transactions are interested in keeping them secret, or liable to similar punishment, the necessary evidence of the facts tending to show culpability of a carrier, or of some officer or agent, is not easily procured. And the settled principle of our jurisprudence that protects a man from giving compulsory evidence criminating himself is a shield under which offenses may frequently hide.

The provision in the act that the claim that testimony may tend to criminate the witness shall not excuse him from testifying, but that his evidence shall not be used against him on the trial of any criminal proceeding, does not entirely meet this difficulty.

These observations indicate, in a general way, the considerations that for a time have governed the action of the Commission. The time has come, however, when more aggressive steps can properly be taken. No excuse can longer be made that the law is not understood or that sufficient time has not elapsed to give the carriers opportunity to conform their methods to its requirements.

#### AMENDMENTS TO THE ACT.

The twenty-first section of the statute requires the Commission to report to Congress such recommendations as to additional legislation relating to the regulation of commerce as it may deem necessary. Pursuant to this requirement, the Commission reports that, in the practical administration of the law, it has become convinced that certain additional legislation, some in the form of amendments to existing sections, and others in the form of additional sections, is important and necessary.

These may be briefly summarized as follows:

(1) An amendment to the first section correcting some ambiguities of language, and making more definite and certain the transportation, both interstate and international, intended to be subject to the provisions of the act.

(2) An amendment to the third section relating to the routing and the interchanges of traffic between carriers, so as to better provide for through traffic at through rates over connecting lines. This amend-



ment was recommended in the report for the year 1888, and is now repeated.

(3) An amendment to the twelfth section, relating to the attendance of witnesses, and to the taking of testimony by deposition. Objection has been made that the attendance of witnesses can not be required outside of the judicial district in which they reside. The Commission believes the objection is not well founded, and that the law could not be effectually administered under such a rule. As the fact that the objection has been made indicates that obstructions and delays may occur, it is better that the language of the act should be open to no misconstruction.

Depositions are authorized by law to be taken for use in the Federal courts, but there is now no provision for taking testimony by deposition to be used before the Commission, and it can only be done by the consent of parties. This practice has been followed in many instances, but it is obvious that it ought not to be merely voluntary. As the taking of testimony in that manner is a great convenience and lessens expense as well as facilitates business, it should manifestly be authorized.

(4) An amendment to the twenty-second section, providing that the provisions of the act shall not prevent the free carriage of persons injured in railroad accidents and the physicians and nurses for attendance upon and care of persons so injured, nor prevent the transportation free or at reduced rates of the actual resident members of the families of employés of railroad companies.

Some other matters deemed necessary to be provided for by additional legislation would perhaps be more appropriate for new or supplemental sections to the act than as amendments to existing sections. These are:

First. The prohibition of the payment of commissions by one railroad company to ticket agents of another railroad company for passenger transportation, and the like prohibition of commissions for soliciting or procuring traffic to outside organizations or persons.

Second. The abolition of ticket brokerage by requiring, as elsewhere suggested in this report, that every person who sells passenger tickets shall be duly authorized by the company for which he sells, and exhibit his authority, and that the company shall be responsible for his acts. If deemed practicable, the price at which the ticket may be sold might also be required to be stamped upon the ticket. And further, requiring companies that sell excursion tickets to redeem unused coupons.

Third. The regulation of the payment of car mileage for the use of cars of private companies or individuals.

Fourth. An extension of the law to make it apply to common carriers by water.

Other subjects upon which legislation may be deemed expedient are discussed in this report without recommendation, and submitted to the consideration of Congress.

Other documents published in the appendix are the amended act to regulate commerce and the amended rules of practice adopted by the Commission. (Appendix 13 and 14.)

All of which is respectfully submitted.

THOMAS M. COOLEY,  
WILLIAM R. MORRISON,  
AUGUSTUS SCHOONMAKER,  
WALTER L. BRAGG,  
WHEELOCK G. VEAZEY,  
*Interstate Commerce Commissioners.*





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# APPENDICES.

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## APPENDIX 1.

### APPROPRIATION, STATEMENT OF EXPENDITURES AND PERSONS EMPLOYED BY THE COMMISSION.

#### STATEMENT OF APPROPRIATIONS AND AGGREGATE EXPENDITURES FOR THE INTER- STATE COMMERCE COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 1889.

Sundry civil act October 2, 1838.—For salaries of Commissioners, as provided by the "Act to regulate commerce" ..... \$37, 500. 00  
 For salary of Secretary, as provided by the "Act to regulate commerce"..... 3, 500. 00  
\$41, 000. 00

For all other necessary expenditures to enable the Commission to give effect to and execute the provisions of the said "Act to regulate commerce" ..... 109, 000. 00

Deficiency act, October 19, 1888.—"That the unexpended balance of the sum of twenty-five thousand dollars appropriation by the deficiency appropriation act approved March thirtieth, eighteen hundred and eighty-eight, to enable the Interstate Commerce Commission to properly carry out the objects of the act to regulate commerce, be, and the same is hereby, re-appropriated and made available for expenditure during the fiscal year eighteen hundred and eighty-nine" ..... 11, 992. 41  
161, 992. 41

Amount paid as salaries to Commissioners and secretary (one Commissioner having resigned March 31, 1889)..... 33, 666. 70  
 Amount expended for all other purposes, (excluding \$272.93 expended in putting in additional window, afterwards re-funded by Robert O. Holtzman, agent for Sun building).... 110, 786. 75  
149, 453. 45

Unexpended balance June 30, 1889 ..... 12, 538. 96

MEMO.—The unexpended balance given comprises the amount of—Appropriation for salaries of Commissioners unexpended (due to vacancy above)..... 2, 333. 30  
 And the amount of appropriation for all other purposes unexpended ..... 10, 205. 66  
12, 538. 96



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## DETAILED STATEMENT OF EXPENDITURES OF THE INTERSTATE COMMERCE COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 1889.

Salaries of Commissioners and secretary, (one Commissioner resigned March 31, 1889) ..... \$38,666.70

### Employés:

One auditor, 12 months, at \$225 per month .....	\$2,700.00
One statistician, 8 months and 20 days, at \$208.33½ per month .....	2,051.06
One assistant auditor, 12 months, at \$150 per month .....	1,800.00
One assistant statistician, 1½ months and 24 days at \$125 per month, and 6½ months at \$150 per month .....	1,259.24
One clerk, 3 months at \$100, and 9 months at \$125 per month .....	1,425.00
One clerk, 3 months and 9 days at \$100, and 8 months and 22 days at \$125 per month .....	1,417.71
One clerk, 3 months and 10 days at \$100; and 8 months and 21 days at \$125 per month .....	1,416.88
One stenographer, 9½ months, at \$150 per month .....	1,425.00
Four stenographers, 5½ months at \$100, and 6½ months at \$125 per month .....	5,450.00
One stenographer, 3½ months, at \$125 per month .....	437.50
One clerk, 10½ months at \$100, and 1½ months at \$125 per month .....	1,237.50
Nine clerks, 12 months, at \$100 per month .....	10,800.00
One clerk, 10 months and 18 days, at \$100 per month .....	1,059.68
One clerk, 10½ months, at \$100 per month .....	1,050.00
One clerk, 9 months and 13 days, at \$100 per month .....	943.33
One clerk, 9 months, at \$100 per month .....	900.00
One clerk, 8 months and 24 days, at \$100 per month .....	877.42
Three clerks, 8 months and 23 days, at \$100 per month .....	2,622.57
One clerk, 8 months and 16 days, at \$100 per month .....	853.22
One clerk, 8 months and 14 days, at \$100 per month .....	845.16
One clerk, 8 months and 8 days, at \$100 per month .....	825.80
One clerk, 8 months, at \$100 per month .....	800.00
One clerk, 7½ months and 3 days, at \$100 per month .....	760.00
One clerk, 7½ months and 1 day, at \$100 per month .....	753.33
One clerk, 7½ months, at \$100 per month .....	750.00
One clerk, 7 months and 12 days, at \$100 per month .....	740.00
One clerk, 7 months and 8 days, at \$100 per month .....	726.67
One clerk, 6½ months and 12 days, at \$100 per month .....	688.71
One clerk, 6 months and 17 days, at \$100 per month .....	654.84
One clerk, 6 months and 5 days, at \$100 per month .....	616.13
One clerk, 5½ months and 7 days, at \$100 per month .....	572.58
One clerk, 5½ months and 4 days, at \$100 per month .....	562.90
One clerk, 5 months and 15 days, at \$100 per month .....	548.39
One clerk, 5 months and 11 days, at \$100 per month .....	535.47
One clerk, 5 months and 8 days, at \$100 per month .....	525.81
One clerk, 5 months and 7 days, at \$100 per month .....	522.58
One clerk, 5 months, at \$100 per month .....	500.00
One clerk, 4 months and 27 days, at \$100 per month .....	490.00
One clerk, 4½ months, at \$100 per month .....	450.00
One clerk, 4 months, at \$100 per month .....	400.00
One clerk, 3 months and 14 days, at \$100 per month .....	345.16
One clerk, 3 months, at \$100 per month .....	300.00

## Employés—Continued.

One clerk, $2\frac{1}{2}$ months and 8 days, at \$100 per month.....	\$276. 67	
One clerk, $2\frac{1}{2}$ months and 7 days, at \$100 per month.....	273. 33	
One clerk, $2\frac{1}{2}$ months and 4 days, at \$100 per month.....	263. 33	
One clerk, $2\frac{1}{2}$ months and 1 day, at \$100 per month.....	253. 33	
One clerk, 2 months and 13 days, at \$100 per month.....	243. 33	
One clerk, 2 months and 4 days, at \$100 per month.....	213. 33	
One clerk, $1\frac{1}{2}$ months and 6 days, at \$100 per month.....	170. 00	
One clerk, 1 month and $4\frac{3}{4}$ days, at \$100 per month.....	113. 90	
One clerk, $\frac{1}{2}$ month, at \$100 per month.....	50. 00	
Two messengers, 12 months, at \$60 per month.....	1, 440. 00	
One messenger, 2 months, at \$50, and 7 months, at \$60 per month .....	520. 00	
One messenger, $7\frac{1}{2}$ months and 1 day, at \$60 per month...	452. 00	
One messenger, $5\frac{1}{2}$ months and 19 days, at \$60 per month.	366. 77	
One messenger, 3 months, at \$60 per month .....	180. 00	
One typewriter, $5\frac{1}{2}$ months and 12 days, at \$50, and $4\frac{1}{2}$ months, at \$60 per month.....	564. 35	
829 hours of work, at 60 cents, and $40\frac{1}{2}$ hours, at 40 cents per hour.....	513. 70	\$59, 533. 68
Traveling expenses of Commission from Washington to New York, Chicago, and Baltimore, at divers times; Jefferson City, Mo.; Kansas City, Mo.; Dubuque, Iowa, and Titusville, Pa., to make investigation (including expenses of the secretary, auditor, and stenographer, when accompanying the Commissioners):		
Railway fares and accommodations while traveling, transportation of baggage, and omnibus fares.....	1, 967. 74	
Hotel bills and meals en route.....	1, 223. 25	
Telegrams, stationery, and necessary messenger service..	20. 70	
Rent of room at New York and Titusville to hold investigation .....	56. 25	
Marshal's fees at Chicago and Baltimore (including fees of witnesses) .....	82. 55	
		3, 350. 49
Rent for offices (fifth, sixth, and seventh floors) Sun building.....		10, 065. 00
Desks, tables, chairs, stools, carpets, shades, awnings, book-cases, and fitting up offices of seventh floor for use.....		4, 041. 70
Printing reports, decisions, circulars, orders, blanks, and stationery....		29, 378. 41
Railway and law books.....		1, 313. 88
Janitor, ice, carrying mail, stamps, telegrams, expressage, and other incidental expenditures .....		3, 376. 57
		149, 726. 43
Less amount refunded by R. O. Holtzman for putting in window.....		272. 98
Total amount of expenditures from July 1, 1888, to June 30, 1889..		149, 453. 45

EDW. A. MOSELEY,  
Secretary and Disbursing Agent.

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CLERICAL FORCE OF THE COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 1889.

Name.	Office.	Whence appointed.	Time employed.	Per month.
C. Curtice McCain.....	Auditor .....	Minnesota .....	1 year .....	\$225.00
Henry C. Adams .....	Statistician .....	Michigan .....	8 months and 20 days .....	208.33
Jesse M. Smith .....	Assistant auditor.	Kentucky .....	1 year .....	150.00
James A. Case.....	Assistant statistician.	Indiana.....	6½ months.....	150.00
Do .....	do .....	do .....	1½ months and 24 days .....	125.00
Martin S. Decker.....	Clerk .....	New York.....	9 months.....	125.00
Do .....	do .....	do .....	3 months.....	100.00
George S. Roberts.....	do .....	Vermont.....	8 months and 22 days.....	125.00
Do .....	do .....	do .....	3 months and 9 days .....	100.00
Edward L. Pugh .....	do .....	Alabama .....	8 months and 21 days .....	125.00
Do .....	do .....	do .....	3 months and 10 days .....	100.00
John J. Linney*.....	Stenographer .....	Virginia .....	9½ months .....	150.00
Frederick S. Hubbard.....	do .....	Michigan .....	6½ months .....	125.00
Do .....	do .....	do .....	5½ months .....	100.00
Frank Lyon .....	do .....	Virginia .....	6½ months .....	125.00
Do .....	do .....	do .....	5½ months .....	100.00
Daniel M. Wood.....	do .....	New York.....	6½ months .....	125.00
Do .....	do .....	do .....	5½ months .....	100.00
Charles H. Burnett.....	do .....	District of Columbia	6½ months .....	125.00
Do .....	do .....	do .....	5½ months .....	100.00
Louis C. Ferrell*.....	do .....	Illinois .....	3½ months .....	125.00
Stephen C. Mason .....	Clerk .....	Vermont.....	1½ months .....	125.00
Do .....	do .....	do .....	10½ months .....	100.00
Russell MacCarthy.....	do .....	New York .....	1 year .....	100.00
Harry G. Morison .....	do .....	do .....	do .....	100.00
Willie P. Mangum .....	do .....	Arkansas .....	do .....	100.00
William H. Denlinger.....	do .....	Illinois .....	do .....	100.00
J. Howard Fishback.....	do .....	District of Columbia.	do .....	100.00
Thomas Jackson, jr.....	do .....	New York.....	do .....	100.00
Harry Newcomb.....	do .....	Michigan .....	do .....	100.00
Nathan C. Munroe.....	do .....	Georgia.....	do .....	100.00
Willoughby S. Chesley.....	do .....	Maryland.....	do .....	100.00
James H. Leonard.....	do .....	Missouri.....	10 months and 18 days.....	100.00
Louis Livaudais.....	do .....	Louisiana.....	10½ months.....	100.00
Albert G. Henry.....	do .....	Pennsylvania.....	9 months and 13 days.....	100.00
Henry Lee Hatch*.....	do .....	Vermont.....	9 months.....	100.00
William R. Williams.....	do .....	North Carolina.....	8 months and 24 days.....	100.00
Solon T. Williams.....	do .....	Kansas .....	8 months and 23 days.....	100.00
L. Fenn Fletcher.....	do .....	Illinois .....	8 months and 23 days.....	100.00
Albert E. Furniss.....	do .....	Connecticut .....	8 months and 23 days.....	100.00
Harry E. Van Der Voort.....	do .....	Nebraska.....	8 months and 16 days.....	100.00
Arthur D. Marshall.....	do .....	Oregon .....	8 months and 14 days.....	100.00
Robert F. Lewis.....	do .....	District of Columbia.	8 months and 8 days.....	100.00
Robert G. Batten.....	do .....	Georgia.....	8 months.....	100.00
Walter E. Burleigh.....	do .....	New Hampshire.....	7½ months and 3 days.....	100.00
Edwin B. Smith.....	do .....	Texas.....	7½ months and 1 day.....	100.00
Charles A. Molloy*.....	do .....	Ohio .....	7½ months .....	100.00
Jack F. Moss.....	do .....	Mississippi.....	7 months and 12 days.....	100.00
Martin A. Watson.....	do .....	Michigan .....	7 months and 8 days.....	100.00
Ira M. Krutz*.....	do .....	Indiana.....	6½ months and 12 days.....	100.00

\* Resigned.



## CLERICAL FORCE OF THE COMMISSION, ETC.—Continued.

Name.	Office.	Whence appointed.	Time employed.	Per month.
John B. Lybrook.....	Clerk.....	Virginia.....	6 months and 17 days.....	\$100.00
Emmet L. Woodward*.....	do.....	Tennessee.....	6 months and 5 days.....	100.00
Frederick O. Roman.....	do.....	District of Columbia.....	5½ months and 7 days.....	100.00
Thomas O'Connor.....	do.....	New Jersey.....	5½ months and 4 days.....	100.00
Edward B. Blizzard.....	do.....	West Virginia.....	5 months and 15 days.....	100.00
Peyton B. Kemp.....	do.....	Tennessee.....	5 months and 11 days.....	100.00
Dennis J. Canty.....	do.....	Illinois.....	5 months and 8 days.....	100.00
George M. Crossland.....	do.....	South Carolina.....	5 months and 7 days.....	100.00
Charles H. Cooley.....	do.....	Michigan.....	5 months.....	100.00
Julien D. Garrison†.....	do.....	Texas.....	4 months and 27 days.....	100.00
James J. Willie.....	do.....	Florida.....	4½ months.....	100.00
Andrew R. Govan†.....	do.....	Mississippi.....	4 months.....	100.00
James A. Connor.....	do.....	Missouri.....	3 months and 14 days.....	100.00
William M. Hatch.....	do.....	Vermont.....	3 months.....	100.00
W. Wheaton Tillinghast.....	do.....	Rhode Island.....	2½ months and 8 days.....	100.00
Rowan B. Tuley.....	do.....	Kentucky.....	2½ months and 7 days.....	100.00
Frank V. Griffin.....	do.....	Wisconsin.....	2½ months and 4 days.....	100.00
Milton H. Mathews.....	do.....	Maine.....	2½ months and 1 day.....	100.00
Edwin M. Clarke.....	do.....	Florida.....	2 months and 13 days.....	100.00
Frederick P. Russell.....	do.....	Massachusetts.....	2 months and 4 days.....	100.00
Lewis H. Finney†.....	do.....	Virginia.....	1½ months and 6 days.....	100.00
Robert F. McMillan.....	do.....	District of Columbia.....	1 month and 4½ days.....	100.00
David L. Gitt.....	do.....	Missouri.....	One-half month.....	100.00
Buford A. Lynch.....	Messenger.....	Alabama.....	One year.....	60.00
Ervin C. Bowen.....	do.....	District of Columbia.....	do.....	60.00
Harry S. Milstead.....	do.....	Virginia.....	7 months.....	60.00
Do.....	do.....	do.....	2 months.....	50.00
William T. Brodhead.....	do.....	New York.....	7½ months and 1 day.....	60.00
Duncan L. Richmond.....	do.....	District of Columbia.....	5½ months and 19 days.....	60.00
Lewis H. Finney†.....	do.....	Virginia.....	3 months.....	60.00
William R. Mack.....	Type-writer.....	Michigan.....	4½ months.....	60.00
Do.....	do.....	do.....	5½ months and 12 days.....	50.00

\* Deceased.

† Resigned.

‡ Promoted.

# 118 REPORT OF THE INTERSTATE COMMERCE COMMISSION.

## LIST OF PERSONS EMPLOYED BY THE INTERSTATE COMMERCE COMMISSION DECEMBER 1, 1889.

Name.	Office.	Whence appointed.	Per month.
C. Curtice McCain.....	Auditor.....	Minnesota.....	\$225. 00
Henry C. Adams.....	Statistician.....	Michigan.....	208. 33
Jesse M. Smith.....	Assistant auditor.....	Kentucky.....	150. 00
J. A. Case.....	Assistant statistician.....	Indiana.....	150. 00
Martin S. Decker.....	Clerk.....	New York.....	125. 00
George T. Roberts.....	do.....	Vermont.....	125. 00
Edward L. Pugh.....	do.....	Alabama.....	125. 00
Stephen C. Mason.....	do.....	Vermont.....	125. 00
Frederick S. Hubbard.....	Stenographer.....	Michigan.....	125. 00
Frank Lyon.....	do.....	Virginia.....	125. 00
Daniel M. Wood.....	do.....	New York.....	125. 00
Charles H. Burnett.....	do.....	do.....	125. 00
Solon T. Williams.....	do.....	Kansas.....	125. 00
J. Howard Fishback.....	do.....	District of Columbia..	100. 00
Russell MacCarthy.....	Clerk.....	New York.....	100. 00
Harry G. Morison.....	do.....	do.....	100. 00
Willie P. Mangum.....	do.....	Arkansas.....	100. 00
William Holliday Denlinger.....	do.....	Illinois.....	100. 00
Thomas Jackson, jr.....	do.....	New York.....	100. 00
Harry Newcomb.....	do.....	Michigan.....	100. 00
Nathan C. Munroe.....	do.....	Georgia.....	100. 00
Willoughby S. Chesley.....	do.....	Maryland.....	100. 00
James H. Leonard.....	do.....	Missouri.....	100. 00
Louis Livaudais.....	do.....	Louisiana.....	100. 00
William R. Williams.....	do.....	North Carolina.....	100. 00
L. Fenn Fletcher.....	do.....	District of Columbia..	100. 00
Albert E. Furniss.....	do.....	Connecticut.....	100. 00
Harry E. Van Der Voort.....	do.....	Nebraska.....	100. 00
Arthur D. Marshall.....	do.....	Oregon.....	100. 00
Robert E. Lewis.....	do.....	District of Columbia..	100. 00
Robert Grosvenor Batten.....	do.....	Georgia.....	100. 00
Walter E. Burleigh.....	do.....	New Hampshire.....	100. 00
Edwin B. Smith.....	do.....	Texas.....	100. 00
Jack F. Moss.....	do.....	Mississippi.....	100. 00
John J. Lybrook.....	do.....	Virginia.....	100. 00
Frederick O. Roman.....	do.....	District of Columbia..	100. 00
Edward B. Blizzard.....	do.....	West Virginia.....	100. 00
Peyton B. Kemp.....	do.....	Tennessee.....	100. 00
Dennis J. Canty.....	do.....	Illinois.....	100. 00
George M. Crossland.....	do.....	South Carolina.....	100. 00
James J. Willie.....	do.....	Florida.....	100. 00
William Moore Hatch.....	do.....	Vermont.....	100. 00
W. Wheaton Tillinghast.....	do.....	Rhode Island.....	100. 00
Rowan B. Tuley.....	do.....	Kentucky.....	100. 00
Frank V. Griffin.....	do.....	Wisconsin.....	100. 00
Milton H. Mathews.....	do.....	Maine.....	100. 00
Frederick P. Russell.....	do.....	Massachusetts.....	100. 00
Robert McMillan.....	do.....	Indiana.....	100. 00
Harold Remington.....	do.....	Ohio.....	100. 00
Grassie G. Bulkley.....	do.....	District of Columbia..	100. 00
George A. C. Christiancy.....	do.....	Colorado.....	100. 00
Fred. S. Towle.....	do.....	Massachusetts.....	100. 00
John A. Shearer.....	do.....	Pennsylvania.....	100. 00

LIST OF PERSONS EMPLOYED BY THE INTERSTATE COMMERCE COMMISSION DE-  
CEMBER 1, 1889—Continued.

Name.	Office.	Whence appointed.	Per month.
James Phillips.....	Clerk.....	North Carolina.....	\$100.00
Burford A. Lynch.....	Junior clerk.....	Alabama.....	75.00
Ervin C. Bowen.....	.....do.....	District of Columbia..	75.00
Duncan L. Richmond.....	.....do.....	.....do.....	75.00
Harry S. Milstead.....	.....do.....	Virginia.....	75.00
William T. Brodhead.....	Messenger.....	New York.....	60.00
John H. Clipper.....	.....do.....	Maryland.....	60.00
James H. Lewis.....	.....do.....	District of Columbia..	60.00
PERSONS TEMPORARILY EMPLOYED.			
James A. Connor.....	Clerk.....	Missouri.....	100.00
John J. McAuliffe.....	Stenographer.....	New Hampshire.....	100.00
William R. Mack.....	Type-writer.....	Michigan.....	60.00
D. Henry Ainsworth.....	.....do.....	Kansas.....	*2.50
Victor A. Lewis.....	.....do.....	Maryland.....	*2.00
James S. Fitzhugh.....	Messenger.....	Texas.....	60.00
Engene L. Gaddess.....	Type-writer.....	Virginia.....	40.00

\* Per day.

EDW. A. MOSELEY,  
*Secretary.*



## APPENDIX 2.

### CIRCULAR.

MARCH 12, 1889.

*To all carriers subject to the act to regulate commerce :*

The amendment to the act to regulate commerce, adopted March 2, 1889, contains the following provision :

Schedules shall be plainly printed in large type and copies for the use of the public shall be posted in two public and conspicuous places in every depot, station, or office of such carrier where passengers or freight, respectively, are received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected.

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The Commission may determine and prescribe the form in which the schedules required by this section to be kept open to public inspection shall be prepared and arranged, and may change the form from time to time as shall be found expedient.

Much care will be required in deciding upon a general form of schedules ; possibly various forms may be required in order to meet the different conditions of business. No action under the clause last quoted can be immediately announced.

The posting of schedules in two public and conspicuous places is now imperative, and is a substitution for the former provision which required such schedules to " be plainly printed in large type of at least the size of ordinary pica, and copies for the use of the public shall be kept in every depot and station upon any such railroad, in such places and in such form that they can be conveniently inspected."

This change in the law requires immediate attention on the part of the carriers. The Commission suggests that one at least of the places to be provided in each depot, station or office should be a standing desk which may be attached to the wall, at a convenient height, at slight expense, and upon which the tariffs and classifications can be laid in book form, between covers arranged for additions or removals from time to time ; the agent in charge can easily keep the book of rates abreast with all changes ; he should add new tariffs as fast as issued, and also promptly remove such as are canceled or superseded.

THOMAS M. COOLEY,  
WILLIAM R. MORRISON,  
AUGUSTUS SCHOONMAKER,  
ALDACE F. WALKER,  
WALTER L. BRAGG,

*Interstate Commerce Commissioners.*

## APPENDIX 3.

### CIRCULAR.

[Superseding that of March 7, 1889.]

MARCH 23, 1889.

The attention of carriers is called to the act of Congress approved March 2, 1889, entitled "An act to amend 'An act to regulate commerce.'" The Interstate Commerce Commission has caused the interstate commerce law as thus amended to be printed for general distribution, and will furnish copies on application by mail or otherwise.

Section 6 of the act as it now stands contains the following provisions in respect to joint tariffs:

No advance shall be made in joint rates, fares, and charges shown upon joint tariffs, except after ten days' notice to the Commission, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the increased rates, fares, or charges will go into effect. No reduction shall be made in joint rates, fares, and charges, except after three days' notice to be given to the Commission as is above provided in the case of an advance of joint rates. The Commission may make public such proposed advances, or such reductions, in such manner as may, in its judgment, be deemed practicable, and may prescribe from time to time the measure of publicity which common carriers shall give to advances or reductions in joint tariffs.

It will be observed that an advance in rates shown upon joint tariffs is forbidden "except after ten days' notice to the Commission," and a reduction in such rates is also forbidden "except after three days' notice to be given to the Commission." The time in each case is to be computed from the day when the notice of advance or reduction reaches the office of the Commission in Washington.

All joint tariffs now filed in the office of the Commission will be understood as remaining in force until due notice of any change is given. When no other tariff is filed the rates on traffic carried over or upon more than one line will be the sum of the local rates of the individual roads, or of local and joint rates, as the case may be.

The Commission has made order that—

All advances and reductions in joint rates, fares, and charges shown upon joint tariff established by common carriers subject to the provisions of the act to regulate commerce shall be made public.

Every such advance or reduction shall be so published by plainly printing the same in large type, two copies of which shall be posted for the use of the public in two public and conspicuous places in every depot, station or office of such carrier where passengers or freight, respectively, are received for transportation under such schedules, in such form that they shall be accessible to the public and can be conveniently inspected. Such schedules shall be so posted ten days prior to the taking effect of any such advance and three days prior to the taking effect of any such reduction in joint rates, fares, and charges.

The amendment to the act further provides as follows :

It shall be unlawful for any common carrier, party to any joint tariff, to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of persons or property, or for any services in connection therewith, between any points as to which a joint rate, fare, or charge is named thereon than is specified in the schedule filed with the Commission in force at the time.

It is therefore now a criminal offense for any carrier, party to a joint tariff, to participate in the reception of compensation above or below the established rate.

Another provision of the act as amended requires the Commission to execute and enforce the provisions of the act, and makes it the duty of any district attorney of the United States, upon the request of the Commission, to institute and prosecute all necessary proceedings for that purpose.

The rule heretofore existing which requires ten days' public notice of any advance in the rates established by individual carriers is enlarged by adding the following provision :

Reductions in such published rates, fares, or charges shall only be made after three days' previous public notice, to be given in the same manner that notice of an advance in rates must be given.

It will be seen that joint tariffs and individual tariffs are now under substantially the same rules. Neither can be reduced without three days' public notice, or advanced without ten days' public notice ; and the Commission must also be notified of all contemplated changes ; individual and joint tariffs alike must be observed in their integrity.

In reference to the application of these provisions of the law to export traffic, the Commission understands that tariffs now on file in its office, established by carriers accepting merchandise billed or intended for export by sea, are made in compliance with its order of the date of March 8, 1888, and whether they be individual or joint tariffs the requirement of notice of any change therein is the same as in the case of other tariffs. Imported traffic transported to any place in the United States from a port of entry or place of reception, whether in this country or in an adjacent foreign country, is required to be taken on the inland tariff governing other freights.

By order of the Commission.

EDW. A. MOSELEY,  
*Secretary.*



## APPENDIX 4.

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### STATEMENT OF POINTS DECIDED BY THE COMMISSION DURING THE YEAR ENDING NOVEMBER 30, 1889.

#### In the Matter of Passenger Tariffs and Rate Wars.

Reduction of passenger rates without consent of connecting lines over which tickets are sold, and without filing schedules thereof with the Commission, *held* to be in violation of section 6 of the act to regulate commerce.

A passenger rate war in which rates were repeatedly reduced by several competing lines to an exceedingly low basis on a particular class of traffic, without any filing of tariffs, was contrary to the requirements of law, as well as against the true interest of each party thereto.

Reductions in competitive passenger rates can not legally be made without at the same time reducing intermediate rates, as required by the fourth section of the act.

No necessity or compulsion is created by a war of rates which justifies disobedience of the statute.

The employment of ticket brokers and scalpers for the sale of railroad tickets placed in their hands, to be disposed of at reduced rates under the pretense of paying commissions thereon, *held* illegal.

Rates lower than the established tariff are prohibited by law.

Rates obtained from ticket brokers lower than those offered at the regular offices of the company effect unjust discrimination.

The business of ticket brokers and scalpers investigated and described.

Existing methods respecting excursion and mileage tickets considered and found to lead to various abuses.

Recommendations made for amendment of the law.

#### William P. Rend v. The Chicago and North-Western Railway Company.

Group rates may be properly made from a large number of mines composing a coal mining district extending across the State of Illinois, to points in western Wisconsin, Minnesota and Dakota, the distance from each part of the group by some route being substantially a fair equivalent of the distance from other parts, and the commercial necessities being substantially the same for all.

The group rate so established is properly extended to coal shipped to the same territory locally from Chicago, no lower rate being possible on account of the operation of the fourth section of the act, some of the lines passing through the mining district en route from Chicago to the points of distribution.

Through rates by way of Chicago to the same territory from mines in the eastern part of the group are necessarily made the same with the group rates established on other routes from the same vicinity, and their discontinuance would simply leave the market open to the product of other Illinois mines at the same transportation charge.

Under the exceptional circumstances requiring such through rates, shippers locally from Chicago of Ohio and Pennsylvania coal can not justly insist upon rates no higher than the division of such through rate which appertains to the lines running northwest from that city, the circumstances under which the through rate is made being such that it can not be differently adjusted.

The question of relative injustice must be viewed upon broader grounds than a mere balancing of one rate against another. A reduction which will throw into confusion an adjustment of rates over a large section of country which are not claimed to be unreasonable of themselves, should not be required without a clear right thereto exists under some direct provision of the law.

A reduction of the rates on local shipments from Chicago to the proportion received by the northwestern lines upon the division of the through rates aforesaid would involve either a general reduction from the entire group under the short-haul clause of the law, or an abandonment by defendant of the through rates in question, neither of which would benefit complainant, while both would do great injury to all other interests. Under such circumstances the preference is not undue nor is the advantage complained of unreasonable.

The Chamber of Commerce of the City of Milwaukee *v.* The Flint and Pere Marquette Railroad Company and the Detroit, Grand Haven & Milwaukee Railway Company.

1. The rate of 30½ cents per 100 pounds on wheat, flour, and mill stuffs from Minneapolis *via* Milwaukee to New York and common billing points, established by the defendants and their connecting lines, February 1, 1888, was a through rate.
2. The percentage amounting to 25 cents per 100 pounds received by the defendants and their connecting lines east of Milwaukee as their proportion of this through rate on shipments from Minneapolis and points west of Milwaukee and between Milwaukee and Minneapolis, while the defendants charge 25½ cents per 100 pounds on the same class of freight originating at Milwaukee and transported over their lines and connecting lines to eastern points, was not an unjust discrimination against Milwaukee, nor did it injure the business of Milwaukee, nor was it a violation of the act to regulate commerce, approved February 4, 1887.
3. A rate is none the less a through rate when freight is shipped upon a through bill of lading from the point of origin to destination, accompanied by a way-bill showing the route over which it is to pass, with the percentages of all the other lines set forth on the way-bill, because the initial carrier charges its local rate as part of the total rate and the remaining lines charge an agreed rate made by percentages.

4. When a combined rate, evidenced by a through bill of lading from the point of origin to destination, has every substantial constituent of a through rate, it is not necessary that it should be formally "quoted" by one of the carriers to another who is engaged in the making of it, in order to constitute it a through rate. Names are nothing in such a transaction; the law looks at the elements and substance of the transaction itself.
5. Through rates, as such, discussed and defined.
6. Through rates, like any other agreements that parties competent to contract may make, admit of very great variety in the forms they assume; and such rates, when reasonable and fairly adjusted in their relations to local business, are greatly favored in the law because they furnish cheapened rates and greater facilities to the public, while at the same time they give increased employment and earnings to a larger number of carriers.
7. The difference between proportions of through rates along the same lines should be fairly reasonable in amount and properly guarded in their application, and not such as to injure or suppress business in one locality in order that it may be stimulated and built up in another.
8. Where a rate is in itself a through rate and made up of percentages to an intermediate point on a long haul, the circumstances and conditions of transportation must be rarely exceptional indeed to be of such controlling force as to warrant any considerable excess of such a rate in amount over a percentage of a through rate for an equal distance along the same line by way of the same point to a more distant point.
9. Milling in transit rates as part of a through rate in this case discussed.

Milton L. Myers, survivor of Hostetter & Company, *v.* The Pennsylvania Company, operating the Pittsburgh, Fort Wayne and Chicago Railway; the Baltimore and Ohio Railroad Company; the Lake Shore and Michigan Southern Railway Company; the Pittsburgh and Lake Erie Railroad Company; the New York Central and Hudson River Railroad Company; the Allegheny Valley Railroad Company; and the Pennsylvania Railroad Company.

Hostetter's Stomach Bitters, prior to the act to regulate commerce, were shipped under the Middle and Western States Classification in the third class in less than car-loads, and in the fourth class in car-loads.

Bitters generally in that classification were classed in first class in less than car-loads, but were also put in the third class, with the specification "Manufacturer's Account, released by shipper," under which these bitters were shipped. No other article, except wine, was so classified and shipped.

After the act to regulate commerce, the Official Trunk-Line Classification superseded the former classification, and bitters were classified in first class, with other liquids similar in character, marketable value and manner of shipment. The class rates under the Official Classification are lower than under the one previously used.

In October, 1888, by a change in the Official Classification, bitters in car-loads were placed in third class.

On complaint for unjust and unreasonable rates, *Held*, that a former special and preferred rate is not a fair test of the reasonableness of a present rate.



The proper classification of an article is to be judged relatively by the classification of other articles similar in character, quality, and conditions of transportation.

The rate on bitters as at present classified, compared with analogous articles, is not so unreasonable as to demand a change of the classification of that particular article. The propriety and extent of a change can more appropriately be acted upon in connection with other articles, in a general revision of the classification.

L. Lippman & Co., v. The Illinois Central Railroad Company.

A railroad company is under special obligation to give reasonable rates for its local business, but there are many influences which may affect through rates while not bearing upon local rates at all, or, if at all, in less degree.

Through rates are not necessarily illegal which when divided between carriers give them less than their local rates, *provided* that the through rate itself is not less than some one of the locals, or unjustly discriminating against individuals or localities, or so low as to burden other business with part of the cost of the business upon which it is imposed.

In the Matter of the Petition of the Produce Exchange of Toledo.

1. After a complaint upon elaborate pleadings and proofs has been heard and determined by the Commission, and no party to the proceeding has applied for a rehearing, an application for a rehearing made by others who were not parties to the proceeding will not be granted.
2. In such a case, if upon a new or different complaint it should appear that any conclusion of the Commission in the case so decided has been erroneous, the Commission would feel it to be a duty to correct such conclusion.
3. Where relative rates are the same at points not far distant from each other on the same system of railroads, it is the practice of the Commission in determining the reasonableness of rates upon a complaint made at one of these points to consider the bearings and relative equality of rates at all of the points so situated, before ordering a change at any one of them in order to avoid preference to one and prejudice to another.

The Michigan Congress-Water Company v. The Chicago and Grand Trunk Railway Company.

1. Where a complaint is made against the reasonableness of through rates agreed upon by several connecting lines, it is necessary to make all such connecting lines parties defendant. Citing and affirming the rule laid down on this subject in 1 I. C. C. Rep., 199; 1 I. C. C. Rep., 237; 1 I. C. C. Rep., 490.
2. Unauthorized declarations of a depot agent, implying that a tank-car, which has just returned from one long journey, is in a safe condition to be loaded and started on another long run, are not binding upon the railway company.
3. After a freight tank-car has just returned from one long journey it is the duty of the carrier, before permitting it to start out loaded on another distant run, in which the lives and safety of brakemen, trainmen, and the property of the shipper will be involved, to have such car carefully inspected by a competent inspector, in order to ascertain whether it is in a safe condition for such service.

4. On all the facts in this case, *Held*—

(1) That the tank-car of complainant when loaded was not in a safe condition to be transported by the defendant in April, 1888, and that it was not the duty of defendant to transport it at that time; but it was the duty of complainant to have it repaired before insisting upon its being transported by the defendant.

(2) That neither the defendant nor any of its officers and agents have been engaged, as complained, in combinations with connecting lines, or other parties, to prevent complainant from obtaining reasonable rates and facilities for the transportation of its mineral water, or to give other mineral waters a preference in rates and facilities over those accorded to complainant.

(3) That defendant's officials and agents have not acted in a malevolent spirit toward complainant in throwing obstructions in the way of its transporting mineral water over defendant's line and its connecting lines.

T. M. C. Logan, F. D. Babcock, and E. M. Parsons, executive committee of the Northwestern Iowa Grain and Stock Shippers' Association *v.* Chicago and North-Western Railway Company.

1. The service may be rendered under such dissimilar circumstances as to make it lawful to charge more for the same distance on one line or branch than on another line or branch of the same road.
2. A departure from the rule of equal mileage rates as applied to the several branches of the road is not conclusive that such rates are unlawful, but the burden is on the company making such departure to show its rates to be reasonable when disputed.
3. A railroad company while long maintaining a rate without the presence of competition on other than equal terms is making evidence that such rate is not too low.
4. The Chicago and North-Western Railway Company has two routes or lines between Chicago and Sioux City, formed by its main line and different branch lines, and a greater charge for a shorter than for a longer distance in the same direction, the shorter being included in the longer distance, on either of said routes or lines is unlawful under the fourth section of the act to regulate commerce.
5. Two of the south branch lines of said railway company are crossed by the main line of the Chicago, Milwaukee and St. Paul Railway Company. From points on these branch lines the North-Western Company comes in competition with the St. Paul Company, from its main line points. *Held*, that the charges on these branches do not establish a standard of reasonable rates for like distances from points on a north branch of the same company, where no such competition exists.
6. Said railway company had in force from Nebraska points to Turner, Ill., a tariff sheet directing corn destined to the sea-board to be billed from such Nebraska points to Turner at different rates when destined to different sea-board points. The corn was carried from Nebraska to Chicago, where the rebilling and transferring was done. No shipments could be made under this tariff from Iowa points. *Held*, that, as billed, the shipment was to Turner; that by billing at different rates to Turner an illegal preference was given, and that Iowa grain-growers were subjected to unreasonable disadvantage in marketing corn.

The Imperial Coal Company and Andrews, Hitchcock & Company v. The Pittsburgh and Lake Erie Railroad Company and the New York Lake Erie and Western Railroad Company, as lessee of the New York, Pennsylvania and Ohio Railroad.

A group rate for a particular district upon a commodity for which a large demand exists, and intended to place producers in the district upon an equality among themselves and with producers of the same commodity from other districts, all competing in a common market, is not unlawful merely on account of differences in the geographical location of different producers and their respective distances from the market.

Actual undue prejudice or damage of which the rate is the cause must result to the more favorably situated producers to render a group rate unlawful.

In determining the question of undue prejudice from a rate, distance is only one of the factors, and other material facts, such as character and quality of the commodity, cost of production, extent and nature of the competition in the business itself and by other transportation lines, and the interests of the public in the use of the commodity and its market cost, are to be considered.

A rate of 90 cents a ton on coal shipped to Lake Erie for a district covering a radius of 40 miles around Pittsburgh, Pa., embracing a large number of mines of substantially like cost of production and like character of coal, has prevailed since the act to regulate commerce took effect. The coal from the different mines is in competition at Lake Erie, and is transported over several different and competing lines of railroad, all carrying at the same rate. The coal from the district is also in competition with similar coal from the Hocking Valley district in Ohio, and from other districts. The complainant's mines are near the center of the district and some mines in competition with them are at a greater distance from the lake, varying from 20 miles to 43 miles. On all the facts of the case, *held*, that the rate in itself not being unreasonable it does not appear that it subjects the complainants to undue prejudice, or that it gives an unreasonable preference to the more distant mines.

The question of a greater charge in the aggregate for a shorter than for a longer distance over the same line in the same direction is not to be determined by the proportion allotted to different roads on the line, but by the rate as an entirety.

#### In the Matter of Joint Water and Rail Lines.

The act to regulate commerce does not empower the Commission to compel railroad companies to enter into joint arrangements with carriers by water for through carriage at through rates.

The fact that a railroad company makes such joint arrangements for one of its branch roads will not charge it with unjust discrimination for refusing to make identical arrangements on other parts of its system when it appears that from such other parts of its system it actually makes through arrangements by a more direct route and at the same rates which are presumptive of equal convenience to shippers.



## In the Matter of Passenger Tariffs.

Methods generally adopted by carriers in the preparation and publication of rate sheets, if in substantial compliance with the law, and sufficient for the purposes of public information, while not necessarily to be accepted by the Commission as a standard, may be acquiesced in until a better mode can be substituted.

When there is no joint rate in effect from a station on the line of one carrier to a station on another carrier's line, to which a ticket is applied for, it is competent to name a through rate made up of the sums of rates prevailing on the several roads or parts of roads made use of in the journey; using for such a through rate local rates, where there are no joint rates in effect, and joint rates in combination with locals where they are in effect for any part of the distance. When no joint rates are announced, it is understood that the local rates are employed in arriving at the through rate.

New individual or joint passenger tariffs must be posted at stations to which they apply, and tickets can legally be sold on combinations of initial or terminal locals therewith.

Mileage, excursion or commutation passenger tickets must be offered impartially to all who accept the conditions on which they are issued, and the rates at which they are sold must be published. The general requirements of the act to regulate commerce as amended, are as applicable to these classes of tickets as to any others.

Party rates, and passenger car-load rates lower than contemporaneous rates for single passengers constitute discrimination between persons entitled to transportation at equal rates, and are therefore illegal.

*The Little Rock and Memphis Railroad Company v. The East Tennessee, Virginia and Georgia Railroad Company and the St. Louis, Iron Mountain and Southern Railway Company.*

English legislation and the procedure thereunder, in respect to applications by carriers to be admitted to through routes and to participate in through rates, stated; and principles then applied explained.

The act to regulate commerce was probably intended to effect similar results, but in its present form and in the absence of the necessary machinery, it is not adequate to afford the relief prayed in the petition.

Recommendations of Second Annual Report for amendment of section 3 renewed.

*Kentucky and Indiana Bridge Company v. Louisville and Nashville Railroad Company* (2 I. C. C. Rep., 162) referred to and explained.

In the Matter of the Tariffs and Classifications of the Atlanta and West Point Railroad Company and other companies.

Investigation by the Commission, on its own motion, concerning course pursued by certain carriers in respect to compliance with the provisions of the act to regulate commerce.

Results as ascertained stated, and recommendations made for further advances in the direction of conformity to the law.

Short-haul clause, principles giving application of as heretofore announced by Commission, and again affirmed, and applied.

Forms of tariffs and classifications in use criticised and requirements of statute stated in respect thereto.

Rice, Robinson and Witherop v. The Western New York and Pennsylvania Railroad Company.

After a case has been decided, a petition to open it for further testimony and a rehearing should be verified, and should indicate the nature of the new testimony and its purpose.

When a question of general public interest is involved, the Commission, in its own discretion, and in furtherance of justice, may open a case to give parties the benefit of a more extended investigation of the same subject-matter in other pending cases.

In the Matter of the Investigation of the Acts and Doings of the Grand Trunk Railway Company of Canada in the Transportation of Traffic from the United States into Canada.

The provisions of the act to regulate commerce apply to foreign as well as domestic common carriers engaged in the transportation of passengers or property, for a continuous carriage or shipment, from a place in the United States to a place in an adjacent foreign country.

The common carriers engaged in such transportation are subject to the provisions of the act in respect to the printing of schedules of rates, fares and charges for the traffic they carry, the posting and filing with the Interstate Commerce Commission of copies of such schedules, the notice of advances and reductions, and the maintenance of the rates, fares and charges established and published and in force at the time.

Such common carriers are also subject to the provisions of the act in respect to joint tariffs of rates, fares and charges for continuous lines or routes.

The carriage of freights can not be prevented from being treated as one continuous carriage from the place of shipment to the place of destination by any means or devices intended to evade any of the provisions of the act.

Under the provisions of the act the Grand Trunk Railway of Canada is required to print, post and file its schedules of rates and charges for the transportation of property from points in the United States to points in Canada, and can not lawfully charge, demand, collect, or receive from any person or persons a greater or less compensation therefor, or for any services in connection therewith, than is specified in such published schedule as may at the time be in force.

Upon an investigation by the Commission it appeared that the Grand Trunk Railway Company of Canada transports coal and coke under a schedule specifying a total rate from Buffalo, Black Rock, and Suspension Bridge, in the United States, to Hamilton, Dundas, and several other points in Canada, and that the published tariff rate for such transportation from points named to Hamilton and Dundas is \$1 a ton, but that it accepts a reduced charge or allows a rebate of 25 cents a ton in favor of certain consignees at Hamilton, Dundas, and other points in Canada.

*held*, that the reduced charge accepted, or rebate allowed, is in violation of the act to regulate commerce and unlawful.

The Interstate Commerce Commission has authority to institute investigations and to deal with violations of the law independently of a formal complaint, or of direct damage to a complainant.

William H. Heard *v.* The Georgia Railroad Company.

1. It is a lawful duty that a carrier, like the defendant, owes to the traveling public in carrying out its rule of furnishing separate cars to white and colored passengers on its line engaged in interstate travel, to make them equal in comforts, accommodation and equipment without any discrimination.
2. It is a lawful duty which a carrier, like the defendant, owes to the traveling public engaged in interstate travel over its line, to afford the equal protection of the law alike to all such passengers without regard to race, color, or sex, against undue prejudice and disadvantage from disorderly conduct on the part of other passengers or persons.
3. On the facts in this proceeding, *held*, that the defendant violated the law in each of the foregoing respects as against petitioner.

utnam P. Bishop *v.* H. R. Duval, receiver of the Florida Railway and Navigation Company.

ames A. Harris *v.* H. R. Duval, receiver of the Florida Railway and Navigation Company, and other carriers.

When, pending a proceeding begun to test the reasonableness of rates, the rates are reduced and made satisfactory to the complainants the Commission will not consider the question whether the rates before reduction were or were not excessive; that question having by the reduction made become purely abstract and speculative.

The question whether rates paid ought to be refunded having been presented to a judicial tribunal, where it is now pending, the Commission will not take cognizance of it.

ilton L. Myers, survivor of Hostetter & Company *v.* The Pennsylvania Company, operating the Pittsburgh, Fort Wayne and Chicago Railway, the Baltimore and Ohio Railroad Company, the Lake Shore and Michigan Southern Railway Company, the Pittsburgh and Lake Erie Railroad Company, the New York Central and Hudson River Railroad Company, the Allegheny Valley Railroad Company, and the Pennsylvania Railroad Company.

A petition to re-open a case that has been decided, and for a rehearing, should show *prima facie* that some material testimony has been overlooked or misapprehended, or some error in the findings of fact or conclusions of law.

When the application is insufficient in these respects, and only asks for a rediscussion of the facts and law already considered, with no offer of new evidence that can change the result, the application will be denied.



The New York Produce Exchange *v.* The New York Central and Hudson River Railroad Company, the Michigan Central Railroad Company, the Lake Shore and Michigan Southern Railway Company, the Chicago and Grand Trunk Railway Company, the Great Western Railway Company of Canada, the New York, Lake Erie and Western Railroad Company, the Chicago and Atlantic Railway Company, the New York, Pennsylvania and Ohio Railroad Company, the New York, Chicago and St. Louis Railroad Company, the West Shore Railroad Company, the Delaware, Lackawanna and Western Railroad Company, the Grand Trunk Railway Company of Canada, the Pittsburgh, Fort Wayne and Chicago Railway Company, the Pennsylvania Railroad Company, the Pittsburgh, Cincinnati and St. Louis Railway Company, the Wabash Western Railway Company, the Baltimore and Ohio Railroad Company, the Philadelphia and Reading Railroad Company, and the Central Railroad Company of New Jersey.

From November 4, 1887, to February 20, 1888, the Trunk Lines, so called, under resolutions of their Association, made through export rates of which the inland proportion accepted by them was, at the port of New York, often 10 cents or more per hundred pounds less on like traffic than the published tariff rates charged at the same time to the same port.

*Held*, that the discrepancy between the proportion of the through rate accepted and the established tariffs for sea-board consignments for the same inland carriage is not shown to have been justified by any circumstances tending to show that it was just or proper, and that it must therefore be deemed an unjust and unlawful discrimination as against the transportation terminating at that port.

It is essential that any method for making rates should be practicable, and not afford a cover for discrimination and injustice. The only practicable mode yet devised for making through export rates, as appears by past experience, is to add to the established inland rates from the interior to the seaboard the current ocean rates.

Under the amendments of March 2, 1889, to the statute requiring ten days' previous notice of advances and three days' previous notice of reductions in rates, they can not be varied from day to day, or oftener, to meet fluctuations in ocean rates.

Whenever a tariff is established for merchandise billed or intended for export by sea, and ocean rates are not specified, either because of fluctuations or for any other reason, so that only the charge for inland transportation is definitely fixed, the tariff as filed and made public should show the rate charged by the inland carrier or carriers to the point of export, including all terminal charges and expenses, and should also show in what manner the through rate to the point of ultimate destination is to be determined, whether by addition of the ocean rate from time to time prevailing, or how otherwise.

Maj. J. P. Sanger *v.* The Southern Pacific Company, lessee of the Central Pacific Railroad, and The Union Pacific Railway Company.

A misapprehension under which a party has paid for one journey in two sections, whereby the cost of the transportation has been made more than it would have been had a through ticket been purchased, may lawfully be corrected by return of the excess, though the carriers were without fault and only charged for each portion of the journey the regular rates.

No. 184. *George Rice v. The Cincinnati, Washington and Baltimore Railroad Company, the Cincinnati, Indianapolis, St. Louis and Chicago Railway Company, the Chicago, Rock Island and Pacific Railway Company, the Union Pacific Railway Company, and the Central Pacific Railroad Company.*

No. 185. *George Rice v. The Cincinnati, Washington and Baltimore Railroad Company, the Ohio and Mississippi Railway Company, the St. Louis and San Francisco Railway Company, the Atchison, Topeka and Santa Fé Railroad Company, the Atlantic and Pacific Railroad Company, and the Southern Pacific Company.*

No. 194. *George Rice v. The Louisville and Nashville Railroad Company.*

*In the Matter of the Application of the Petitioner for Subpœnas duces tecum.*

1. In laying down rules upon the subject of what an application shall contain for the compulsory production of books, papers, tariffs, contracts, agreements, and documents relating to any matter under investigation, the Commission is governed by the provisions of the act to regulate commerce and the objects and purposes of this statute, but in connection with these will also consider the practice in the courts of the United States, as well as the rules prescribed by Federal statutes in proceedings which seem to be most nearly analogous to proceedings in which such application to the Commission is made.
2. In proceedings between parties, when such an application is made to the Commission, to compel parties who are not engaged as carriers in interstate commerce, or others who are strangers to the proceeding, to produce books, papers, and documents, the application should be in writing, addressed to the Commission, and should specify, as nearly as may be, the books, papers, or documents for the production of which process is desired, and be accompanied by an affidavit that the books, papers, or documents described are in the possession of the witness or under his control, and should set forth facts which make a *prima facie* case that these contain evidence that is material and necessary to the party seeking their production in the pending proceeding; and in such a case the *prima facie* showing that what is required to be produced will be legal evidence for the party demanding it ought to be very clear and full.
3. Where the application is made to compel one who is a party to the proceeding and who is a carrier engaged in interstate commerce to produce its books for the purposes of evidence in a pending proceeding, it is sufficient for the application to indicate in writing in a general way what books of the carrier should be produced, and that there is reason to believe, and that the applicant does believe, that in the course of the hearing they will become of service, on account of the light they will throw upon the questions in controversy in the proceeding and as an evidence of good faith, in making the application, the applicant should make an affidavit, as part of the application, that such application is made in good faith, and not for the purpose of vexing or harassing the defendant; and upon such a showing, as a general rule, the process should issue, unless the number of books called for should be so large, or from other exceptional circumstances, the Commission should order the testimony to be taken at such place

as would avoid oppression in producing the books at a far-distant hearing, and expedite the progress of the investigation.

4. The difference that exists in what should be a *prima facie* showing for compulsory process for the production of books, papers, and documents as between parties not engaged as carriers in interstate commerce, or strangers to the proceeding, on the one hand, and on the other hand, carriers who are engaged in interstate commerce, is one that is very manifest. The books of carriers engaged in interstate commerce, whether made up from shipping-tickets, way-bills, expense bills, or otherwise, are supposed to give the exact particulars of the consignment, showing the weight, rate and amount of charges to be paid to the company's agent, and are put in this enduring form at the time of the consignment as part of the transaction upon rates that the law requires to be open and public, and thus they give a history of the details of the transaction, and are in the nature of semi-public records. Shippers, consignees, and even the public, may well have an interest, under certain circumstances, in the evidence these records afford as to rates, charges, facilities furnished, and the general movements of freight. The books of strangers to the proceeding, and of parties not engaged as carriers in interstate commerce, do not necessarily occupy any such relation to these transactions, though there may possibly be such a showing as would make them material and competent evidence in proceedings in which these transactions come into controversy.
5. There are several modes of procedure by which the inconvenience to the defendant carriers of producing books, and the delay and labor of going over their entries, might be avoided by petitioner. For example: If one or more witnesses should be subpoenaed from the different companies proceeded against, and a notice should be served with the subpoena requiring the witnesses to furnish the published rates and tariffs of such company, for a specified period, and also requiring them to furnish statements of the actual charges made and car facilities furnished during such period, to the Standard Oil Trust and the others named in the application, if different from the published tariffs and schedules, it would probably be sufficient for all the purposes of these proceedings; or if the parties would take depositions by consent in advance of the hearing, it would answer the same purpose.
6. In proceedings like these it is enough to show the rates actually charged, if there are or have been any such to certain shippers or consignees different from the published tariff rates, or the preferential facilities, if any such, furnished by the defendants to some shippers or consignees, and not to others, or the comparative rates on the different commodities named in the complaints, and from and to designated points. Innumerable shipments, with all their minuteness of detail over the various lines that were made for many years before the act to regulate commerce took effect, as well as since that date, and the names of the consignors and consignees at so many different points, through these long periods of time, seems to be immaterial. It appears to be sufficient for all the purposes of these cases to show the rates published, the rates actually charged, and the facilities furnished from and to designated points since the act to regulate commerce went into effect, and for whatever light these may throw upon the question of the reasonableness and justness of the



rates, if any, and the fairness of the facilities afforded by way of comparison, what these were for a reasonable time; for example, for a period of twelve months before the act to regulate commerce went into effect.

7. The books of the defendant carriers as to rates charged, facilities furnished, and general movements of freight, being in the nature of semi-public records, to any extent that they can fairly and justly save time, labor, or expense to complainant, or to their companies, by giving to him in response to any calls he may make, statements of facts shown by their books, records, or files which may probably have importance on the hearing, the officers and agents of the defendant carriers under the direction of defendants, ought to give such statements, and ought to do so as promptly as may be found reasonably practicable.

Much unnecessary controversy, inconvenience, and delay might well be avoided in the first instance, as well as in subsequent stages of proceedings, if carriers would exhibit, without technical objection, what their books show in reference to a transaction in question to any one who calls for the information in good faith, believing, though perhaps erroneously, that it is or may be important to his interests, and when the application is seasonably and properly made, with a due regard for the convenience of the carriers' agents and officers; and the instances are numerous in which it would put an end to the controversy, and in many others that the party would not then trouble the carrier for the production of the books.

8. As the application in these cases does not conform to the rules herein stated in reference to making a *prima facie* showing for the compulsory production of the books, papers, and documents, either as against the defendant carriers or those who are strangers to these proceedings, the relief it seeks can not now be granted, and for the present must be denied; but this does not preclude the petitioner from renewing his application, provided, in doing so, he conforms to the rules indicated.

The Lincoln Board of Trade *v.* The Union Pacific Railway Company and The Southern Pacific Company, and five other cases.

The relief claimed having been conceded, no opinion of the Commission is filed.

The Pennsylvania Company, operating the Jeffersonville, Madison and Indianapolis Railroad, *v.* The Louisville, New Albany and Chicago Railway Company.

The Chicago, St. Louis and Pittsburgh Railroad Company *v.* The Cleveland, Cincinnati, Chicago and St. Louis Railway Company.

The Commission does not give opinions on abstract questions.

Where a case involving the reasonableness of rates has been disposed of by the carrier assenting to the rates demanded, no opinion will be expressed on the rates which have been abandoned, even though the parties request it.

Such a course is particularly advisable and proper when it is apparent that other parties than the one complained of are interested in the question, and have not had the opportunity to be heard upon it.

Henry McMorran and Edmund B. Harrington v. The Grand Trunk Railway Company of Canada and The Chicago and Grand Trunk Railway Company.

Through rates are not required to be made on a mileage basis, nor local rates to correspond with the divisions of a joint through rate over the same line, mileage is usually an element of importance, and due regard to distance proportions should be observed in connection with the other considerations that are material in fixing transportation charges.

When rates on the line of a carrier are on their face disproportionate or relatively unequal, the burden is on the carrier to justify them when challenged.

Grain and grain products classified alike are presumptively entitled to equal rates, and if a difference is made by a carrier it assumes the burden of sustaining it by satisfactory evidence.

Upon complaint against the Grand Trunk Railway of Canada for alleged unreasonableness of a rate of 8 cents a hundred pounds on grain and 10 cents a hundred pounds on grain products from Port Huron to Buffalo, as compared with a through rate of 15 cents a hundred pounds from Chicago to Buffalo over the line formed by that road and the Chicago and Grand Trunk road—

*Held*, that though the local rate from Port Huron to Buffalo might be regarded as disproportionate on the basis of distance alone, other considerations are involved, and in view of the terminal and ferry expenses at Port Huron, the Niagara Bridge charges, and the Buffalo terminal expenses, all of which are borne by the Grand Trunk Railway of Canada alone upon business originating at Port Huron, the complaint against the 8-cent rate on grain is not sustained; but no good reason having been shown for a higher rate on grain products, that portion of the complaint is sustained, and the products ordered to be carried at the same rate as grain.

Abiel Leonard v. The Chicago and Alton Railroad Company, and Logan B. Chappelle v. The Same Company.

A practice had existed on the part of certain carriers of live cattle to make a car-load rate irrespective of weight, leaving the shipper to load into the car as many cattle as he pleased and was able to put into it. The carriers substituted for this practice the rule that while naming a car-lot rate they prescribed a minimum weight for a car-load and then charged by the hundred pounds in proportion to the car-lot rate for any excess over the minimum. *Held* that this rule was not unlawful.

*Prima facie* the new rule is more just and reasonable than the practice it supplanted, since the charge is more in proportion to the service rendered.

The fact that some difficulties are found to exist in the prompt and accurate weighing of the cattle is not a reason for abolishing the new practice, but rather for improving and perfecting it.

The fact that by the action of certain state commissions a car is permitted to be loaded by the shipper at discretion without the car-lot rate being affected thereby is not a reason for adopting the like rule in interstate traffic if that course is found not to be most just and politic.

The grant to the Federal Government of the power to regulate interstate commerce is full and complete, and can not be narrowed or encroached upon by State authority, either directly or indirectly. The fact, therefore, that one or more States have adopted a particular regulation is not a reason for applying it to interstate commerce if in itself it appears to be objectionable. State action will always be treated with the highest deference and respect, but can not be allowed to control in matters within the Federal jurisdiction.

*James & Abbott v. The East Tennessee, Virginia and Georgia Railway Company, the Norfolk and Western Railroad Company, the Shenandoah Valley Railroad Company, the Cumberland Valley Railroad Company, the Pennsylvania Railroad Company, the New York, New Haven and Hartford Railroad Company, and the New York and New England Railroad Company.*

The presence of combined rail and water competition at a longer-distance point does not justify a greater charge for a shorter distance while the carrier maintains the shorter distance rate where such competition is of greater force and more controlling than at the longer-distance point.

Nor does the fact that the freight is lumber which has paid a local rate over the roads of the defendants or of other railroad companies to the longer-distance point justify such greater charge for a shorter distance.

Nor is such greater charge justified by the fact that the lumber business of the roads of a connecting line or any of them was done in cars which carried machinery to the longer-distance point when profitable return loads were not always to be had.

Nor does a difference in the bulk and value of lumber justify such greater charge when the carriers in their published rate sheets put the lumber in the same class and at the same rate.

Distance is not always the controlling element in determining what is a reasonable rate, but there is ordinarily no better measure of railroad service in carrying goods than the distance they are carried.

And where the rate of freight charges over one line, on similar freight carried from neighboring territory to the same market, is considerably greater than over other lines for distances as long or longer, such greater rate is held to be excessive and should be reduced.

*The Oregon Short Line Railway Company v. The Northern Pacific Railroad Company.*

Under the Rules of Practice issued by this Commission a replication to an answer is not required or allowed.

*William L. Rawson v. The Newport News and Mississippi Valley Company, the Baltimore and Ohio Railroad Company, and L. Boyer's Sons.*

1. Where a tariff complained of was abandoned by the carriers for a long period of time before the complaint was made and shortly after the tariff was put in force, the Commission will not make



an order requiring the carriers to cease and desist from enforcing such tariff, because such an order would be vain and useless.

2. The amendment of March 2, 1889, expressly provides that it shall have no application to pending proceedings, and as this proceeding was pending at the time no reparation can be awarded, and the remedy of the petitioner is in the courts.

Frederick A. White *v.* The Michigan Central Railroad Company and The Lake Shore and Michigan Southern Railway Company.

When a complaint charged that the respondent railroad companies, which were common carriers subject to the act to regulate commerce, were accustomed to make deductions of from 5 to 10 pounds of wheat per load from the true weight when delivered by the farmer to the buyer at the elevators of the respondents, and gave receipt to the farmer for the amount as thus diminished, upon which the latter was paid by the buyer, thereby suffering a loss to the extent of such reduction, but failed to charge that the wheat was delivered for interstate transportation, or, indeed, for transportation anywhere, it was

*Held*, that the complaint was insufficient in substance to show violation of the act to regulate commerce, and that the respondents were entitled to have it dismissed on their motions to that effect, but that the dismissal should be without prejudice.

An averment that the respondents were interstate common carriers subject to the act to regulate commerce was not of itself sufficient to warrant an inference, under a motion to dismiss a complaint for insufficiency, that wheat delivered at an elevator of the respondents was for interstate commerce.

This case was heard solely upon the respondents' motions to dismiss the complaint for insufficiency of its allegations to show violations of the act to regulate commerce, but the complainant having filed some depositions taken before the hearing of said motions, the Commission looked into this evidence with a view of seeing what light it shed upon the general claim of unlawful practice by the respondents, and upon the duty of the Commission to proceed against them on its own motion.

**EXTRACTS FROM DOCKET AND RECORDS OF COMMISSION SHOWING COMPLAINTS PENDING DURING THE YEAR UNDER SECTION 13 OF THE ACT TO REGULATE COMMERCE, AND DISPOSITION OR PRESENT CONDITION OF EACH.**

**8. Associated Wholesale Grocers of St. Louis v. Missouri Pacific Railway Company.**

Complaint alleges violation of sections 1 and 2 of the act by making greater charges upon merchandise shipped in less than car-load lots than in car-load lots.

May 21, 1887. Complaint filed.

June 11, 1887. Answer filed.

July 21, 1887. Hearing.

By consent of parties decision postponed until other cases presenting the same question should also be heard. (See Nos. 65, 66, 67.)

**65. F. B. Thurber, M. N. Day, E. A. Doty, H. K. Miller, W. B. Timms, B. F. Shores, committee, representing the Board of Trade and Transportation of New York v. New York Central and Hudson River Railroad Company; New York, Lake Erie and Western Railroad Company; Delaware, Lackawanna and Western Railroad Company; Pennsylvania Railroad Company; Baltimore and Ohio Railroad Company.**

Complaint alleges violation of sections 1 and 2 of the act by placing less than car-load quantities in a higher class than car-loads.

Aug. 1, 1887. Complaint filed.

Aug. 20, 1887. Answers filed. Various protests, remonstrances, and petitions filed.

Oct. 2, 1887. Hearing postponed to December 13, 1887, at complainants' request.

Dec. 8, 1887. Hearing postponed to January 24, 1888, on stipulation of parties.

Dec. 28, 1887. Amendment to petition filed.

Jan. 24-28, 1888. Hearing.

July 11-Oct. 12, 1888. Briefs filed for complainants and intervening parties.

Nov. 30, 1888. Briefs filed for defendants.

Feb. 4, 1889. Reply brief for complainants filed.

Feb. 12, 1889. Addenda to complainants' reply brief filed.

Dec. 1, 1889. Case under advisement by Commission.

**66. Thomas L. Greene, of New York, on behalf of himself and others, v. New York Central and Hudson River Railroad Company; Delaware, Lackawanna and Western Railroad Company; Penn-**

sylvania Railroad Company; Baltimore and Ohio Railroad Company; New York, Lake Erie and Western Railroad Company.

Complainant alleges violation of the act by placing less than car-loads in a higher class than car-loads.

Aug. 1, 1887. Complaint filed.

Aug. 20, 1887. Answer filed.

Oct. 25, 1887. Hearing postponed to December 13, 1887, at complainant's request.

Dec. 8, 1887. Hearing postponed to January 24, 1888, on stipulation of parties.

Dec. 28, 1887. Amendment to petition filed.

Jan. 24-28, 1888. Hearing.

July 11-Oct. 12, 1888. Briefs filed for complainants and intervening parties.

Nov. 30, 1888. Brief filed for defendants.

Feb. 4, 1889. Reply brief for complainants filed.

Feb. 12, 1889. Addenda to complainant's reply brief filed.

Dec. 1, 1889. Case under advisement by Commission.

67. Francis H. Leggett & Co., of the city of New York, *v.* Baltimore and Ohio Railroad Company; Pennsylvania Railroad Company; Delaware, Lackawanna and Western Railroad Company; New York, Lake Erie and Western Railroad Company; New York Central and Hudson River Railroad Company.

Complaint alleges violations of sections 2 and 3 of the act by placing less than car-loads in a higher class than car-loads.

Aug. 1, 1887. Complaint filed.

Aug. 20, 1887. Answers filed.

Oct. 25, 1887. Hearing postponed to December 13, 1887, at complainants' request.

Dec. 8, 1887. Hearing postponed to January 24, 1887, on stipulation of parties.

Dec. 28, 1887. Amendment to petition filed.

Jan. 24-28, 1888. Hearing.

July 11-Oct. 12, 1888. Briefs filed for complainants and intervening parties.

Nov. 30, 1888. Brief filed for defendants.

Feb. 4, 1889. Reply brief for complainants filed.

Feb. 12, 1889. Addenda to complainants' reply brief filed.

Dec. 1, 1889. Case under advisement by Commission.

76. Manufacturers' and Jobbers' Union, of Mankato, Minn., *v.* Minneapolis and St. Louis Railway Company.

Complaint alleges unjust discrimination in rates against Mankato and points on defendant's branch line, the Wisconsin, Minnesota and Pacific Railroad, west of Waterville, in favor of Red Wing and points on same line east of Waterville, on freight from Chicago carried over its main line and connections to Waterville, and thence over said branch line to destination, Mankato being nearer Chicago than Red Wing. Also alleges excessive rates to Mankato as compared with those to Minneapolis.

Sept. 5, 1887. Complaint filed.

Sept. 16, 1877. Case heard at St. Paul, Minn., September 16, 1887



By consent of parties without filing formal answer.

Report by Bragg, Commissioner (1 I. C. C. Rep., 227).

The defendant having reduced its rates after the trial to the sum asked by the petition, no further proceedings considered necessary.

Nov. 13, 1888. Amended petition filed against the defendant and the Chicago, Rock Island and Pacific Railway Company; the Kankakee and Seneca Railroad Company; the Burlington, Cedar Rapids and Northern Railroad Company.

Nov. 13, 1888. Stipulation of counsel to submit case without additional evidence filed.

Dec. 3, 1888. Time to answer of defendants extended ten days from this date upon application filed.

Dec. 17, 1888. Joint answer to amended complaint filed.

Dec. 1, 1889. Case under advisement by the Commission.

79. *Lopez, Dunbar's Sons & Co. v. Louisville and Nashville Railroad Company.*

Complaint alleges unjust discrimination on rails from Cincinnati to Biloxi, Miss., as compared with the rate to New Orleans, 80 miles farther; also, violation of section 4.

Sept. 22, 1887. Complaint filed.

Oct. 13, 1887. Answer filed.

Nov. 3, 1887. Replication filed.

Nov. 16, 1887. Hearing.

Dec. 1, 1889. Case under advisement by the Commission.

102. *Delaware State Grange of the Patrons of Husbandry v. New York, Philadelphia and Norfolk Railroad Company; Delaware Railroad Company; Philadelphia, Wilmington and Baltimore Railroad Company; Pennsylvania Railroad Company.*

Complaint alleges unjust and unreasonable charges; granting favors by rebates and false-weight schedules; undue advantage to particular localities, and violation of section 4 of the act in favor of Norfolk, Va., and points south, as against shippers and places in the Delaware peninsula.

Dec. 2, 1887. Complaint filed.

Jan. 11, 1888. Joint answer of defendants filed.

Jan. 12, 1888. Complainant ordered to file specification of the particular instances of violation of law of which it intends to offer evidence under the several paragraphs of its complaint.

Aug. 16, 1888. Specification filed as above ordered.

Aug. 16, 1888. Amendments to petition filed.

Sept. 5, 1888. Case assigned for hearing September 20, 1888. At Dover, Del.

Sept. 12, 1888. Supplemental answers filed.

Sept. 12, 1888. Application by defendants' counsel to strike out the amendments to the petition on file and change the place of hearing denied by the Commission. (2 I. C. C. Rep., 309.)

Sept. 20-21, 1888. Hearing had at Dover, Del. Continued to October 9, 1888. At Washington, D. C.

Oct. 9-10, 1888. Hearing had and continued to November 20, 1888. For argument.

Nov. 17, 1888. Hearing indefinitely postponed upon request of parties.

Nov. 30, 1888. Evidence of repayment of excess charges agreed to be furnished by the counsel for defendant, the Pennsylvania Railroad Company, filed.

Feb. 2, 1889. Case assigned for hearing at Washington, D. C., February 26, 1889. At request of parties.

Feb. 26, 1889. Hearing had.

Dec. 1, 1889. Case under advisement by the Commission.

116. Beatrice Board of Trade, an association of citizens and merchants of Beatrice, Nebr., *v.* Union Pacific Railway Company; Burlington and Missouri River Railroad Company in Nebraska; Chicago, Kansas and Nebraska Railway Company; Omaha and Republican Valley Railroad Company; Chicago, Burlington and Quincy Railroad Company.

Complaint alleges violations of section 3 of the act by defendants in subjecting Beatrice, Nebr., and its locality to undue and unreasonable prejudice and disadvantage in favor of Omaha, Lincoln and Hastings, Nebr., and their localities by reason of fixing and charging a much higher rate or tariff, in proportion to length of haul and actual mileage, from Chicago and St. Louis to Beatrice, than from those points to Omaha, Lincoln and Hastings.

Feb. 2, 1888. Complaint filed.

Feb. 20-23, 1888. Answers filed.

Feb. 25, 1888. Case assigned for hearing March 21, 1888. At Lincoln, Nebr.

Mar. 23, 1888. Hearing had.

Apr. 28, 1888. Brief for petitioner filed.

Dec. 1, 1889. Case under advisement by the Commission.

119. Reuben L. Rice, Joseph C. Robinson, and John W. Witherop, partners as Rice, Robinson & Witherop, *v.* Western New York and Pennsylvania Railroad Company.

Complaint alleges that defendant charges 34 cents per barrel on petroleum from Titusville, Pa., to Buffalo, N. Y., which is claimed to be excessive and unreasonable in itself, while it charges on the same traffic from Titusville, Pa., to Perth Amboy, N. J., but 12 cents per barrel, the former haul being included within the latter over the same line; that defendant requires 60 barrels to be shipped in each car-load while the floor capacity of the car in use is but 50 barrels; that the rates on petroleum were raised from 25 cents to 34 cents per barrel at the request and dictation of the Standard Oil Company; and that Buffalo, by reason of the aforesaid rates, is unjustly discriminated against.

Feb. 18, 1888. Complaint filed.

Mar. 10, 1888. Additional complaint filed.

Mar. 22, 1888. Answers to original complaint filed.

Apr. 3, 1888. Answers to additional complaint filed.

Sept. 12, 1888. Case assigned for hearing September 27, 1888.

Sept. 27, 1888. Hearing.

Oct. 12, 1888. Brief for defendant filed.

Dec. 1, 1888. Case under advisement by the Commission.

Nov. 23, 1888. Memorandum in the matter of relative tank and barrel rates on oil filed by the Commission.

Opinion by Schoonmaker, Commissioner. (2 I. C. C. Rep. 389.)

Complaint held not sustained.

Apr. 15, 1889. Petition filed by complainants praying that cases be re-opened for further evidence to be taken on May 15 and 16, 1889. 10 a. m., at Titusville, Pa.

Apr. 15, 1889. Memorandum by the Commission filed. (3 I. C. C. Rep., 87.)

Apr. 15, 1889. *Ordered*: That this case be re-opened for further evidence to be taken at Titusville, Pa., on May 15 and 16, 1889. 10 a. m., at the same time that other cases (153, 154, and 163) are assigned for hearing.

Apr. 19, 1889. Copies of above order sent parties.

May 6, 1889. Petition of complainants for order granting leave to Dunkirk, Allegheny Valley and Pittsburgh, Lake Shore and Michigan Southern, and New York, Lake Erie and Western railroad companies to intervene and be heard. Order granting such leave issued.

May 15-16, 1889. Hearing had and continued to June 12, 1889. at Washington, D. C.

May 20, 1889. Case assigned for further hearing June 12, 1889. 10 a. m., at Washington, D. C. Notices sent.

June 5, 1889. Hearing postponed to June 28, 1889. 10 a. m. Notices sent.

June 27, 1889. Hearing postponed to October 16, 1889. 10 a. m. Testimony to be taken in Nos. 153, 154, and 163 to be considered in this case as far as applicable.

Oct. 16, 1889. Hearing continued to October 17.

Oct. 17, 1889. Hearing had. Arguments to be presented on a day to be hereafter named.

120. Chamber of Commerce of the City of Milwaukee *v.* The Flint and Pere Marquette Railroad Company; Detroit, Grand Haven and Milwaukee Railway Company.

Complaint alleges that the defendants made a reduction of 2½ cents per 100 pounds in rates on flour, grain, and mill stuffs from Milwaukee to eastern domestic markets to apply on such property when shipped from Minneapolis, and that they have refused said reduction to Milwaukee shippers. That the rates to New York and Boston on said Minneapolis shipments are, respectively, 23 and 25 cents per 100 pounds, and on Milwaukee shipments the rates are, respectively, 25½ and 30½ cents per 100 pounds.

Feb. 21, 1888. Complaint filed.

Mar. 15, 1888. Joint answer filed.

June 8, 1888. Hearing indefinitely postponed upon request of parties.

Oct. 31, 1888. Case assigned for hearing December 5, 1888.

Dec. 5, 1888. Hearing had. Briefs filed.

Opinion by Bragg, commissioner. (2 I. C. C. Rep., 553.) Complaint held not sustained.



121. *Chamber of Commerce of the City of Milwaukee v. Chicago, Milwaukee and St. Paul Railway Company; Chicago and North-Western Railway Company.*

Complaint alleges that defendants refuse to receive bulk grain at northwestern points for transportation to Milwaukee unless the same is billed to elevators, and that no such restriction is applied to shipments of like property to Chicago; that defendants refuse Milwaukee shippers equal facilities with those of Chicago in the transfer of grain from cars of Western roads to those of Eastern roads, such transfer being made on track at Chicago without charge, but at Milwaukee the grain transfer is required to be made through elevators, at a charge of one-half cent per bushel.

Feb. 24, 1888. Complaint filed.

Mar. 19, 1888. Answers filed.

May 14, 1888. Supplemental answer filed by the Chicago, Milwaukee and St. Paul Railway Company.

June 8, 1888. Hearing indefinitely postponed upon request of parties.

Oct. 31, 1888. Case assigned for hearing December 5, 1888.

Dec. 5, 1888. Hearing.

Dec. 5, 1888. Briefs filed for complainant and defendant, Chicago, Milwaukee and St. Paul Railway Company.

Jan. 8, 1889. Supplemental brief for complainant filed.

Dec. 1, 1889. Case under advisement by the Commission.

122. *The Commercial Exchange of Philadelphia v. Union Line; Pittsburgh, Cincinnati and St. Louis Railway Company; Pennsylvania Railroad Company.*

Complaint alleges that defendants, by "underbilling," have charged, demanded, collected and received a less compensation for the transportation of grain and feed from points in the States of Ohio, Indiana, and Illinois to the city of Philadelphia than was specified in the published schedule of rates and charges then in force, and that thereby they have given unreasonable preference and advantage to the owners of such grain and feed and subjected other traders in said commodities to undue and unreasonable prejudice and disadvantage.

Feb. 25, 1888. Complaint filed.

Mar. 19, 1888. Joint answer filed.

Apr. 21, 1888. Case assigned for hearing May 15, 1888.

May 7, 1888. Proceedings suspended at complainant's request.  
(See Nos. 123, 124, and 125; also *In re Underbilling.*)

123. *Commercial Exchange of Philadelphia v. Erie Dispatch; Cincinnati, Indianapolis, Saint Louis and Chicago Railway Company; Philadelphia and Reading Railroad Company.*

Complaint alleges the same violations of the act that are charged in No. 122.

Feb. 25, 1888. Complaint filed.

Apr. 13-16, 1888. Answers filed.

Apr. 21, 1888. Case assigned for hearing May 15, 1888.

May 7, 1888. Proceedings suspended at complainant's request.  
(See Nos. 122, 124, and 125; also *In re Underbilling.*)

124. Commercial Exchange of Philadelphia *v.* White Line; Cleveland, Columbus, Cincinnati and Indianapolis Railway Company; Philadelphia and Reading Railroad Company.

Complaint alleges the same violations of the act that are charged in No. 122.

Feb. 25, 1888. Complaint filed.

Apr. 16, 1888. Answers filed.

Apr. 21, 1888. Case assigned for hearing May 15, 1888.

May 7, 1888. Proceedings suspended at complainant's request.  
(See Nos. 122, 123, and 125; also *In re Underbilling.*)

125. Commercial Exchange of Philadelphia *v.* Nickel Plate Line; Traders' Dispatch; Indiana, Bloomington and Western Railway Company; Philadelphia and Reading Railroad Company.

Complaint alleges the same violations of the act that are charged in No. 122.

Feb. 25, 1888. Complaint filed.

Mar. 17-Apr. 16, 1888. Answers filed.

Apr. 21, 1888. Case assigned for hearing May 15, 1888.

May 7, 1888. Proceedings suspended at complainant's request.  
(See Nos. 122, 123, and 124; also *In re Underbilling.*)

126. Ohio Coal Exchange *v.* Wisconsin Central Railroad Company.

Complaint alleges discrimination in favor of the block coal mines in southern Indiana as against complainant in the transportation of block coal from Danville, Ill., through Chicago to St. Paul and other points on defendant's line, or accessible therefrom, at a rate which is but 10 cents per ton more than the rate on soft coal from Chicago to said points, while the rate from Danville to Chicago is 50 cents per ton; complainant having paid local rates on its coal from its mines in Ohio to Chicago, where it is stored for sale and shipment at the regular rate from Chicago to said points, in competition with said Indiana block coal.

Mar. 19, 1888. Complaint filed.

Apr. 6, 1888. Answer filed.

Apr. 19, 1888. Case assigned for hearing May 10, 1888.

Apr. 30, 1888. Hearing postponed to June 14, 1888.

June 9, 1888. Hearing indefinitely postponed.

June 26, 1888. Case assigned for hearing July 7, 1888. Palmer House, Chicago, Ill.

July 2, 1888. Notice of agreement to submit case on depositions and printed arguments filed.

127. William P. Rend *v.* Chicago and North-Western Railway Company.

Complaint alleges discrimination in favor of the Wilmington coal fields mines and the Spring Valley mines, each in the State of Illinois, as against complainant, in the transportation of coal to points in Wisconsin, Minnesota, and Dakota, in that the rates for such service are the same from said mines as from Chicago, to which place complainant's coal is shipped from his mines in Pennsylvania and Ohio at regular rates

and is there stored for sale and reshipment to said points in competition with said Wilmington and Spring Valley coal.

Mar. 19, 1888. Complaint filed.

Apr. 9, 1888. Answer filed.

July 2, 1888. Parties filed stipulation to submit case on depositions and printed arguments to be filed.

Sept. 14, 1888. Depositions filed.

Sept. 14-Oct. 22, 1888. Briefs filed.

Opinion by Walker, Commissioner. (2 I. C. C. Rep., 540.)

Complaint held not sustained.

128. Michigan Congress Water Company *v.* Chicago and Grand Trunk Railway Company.

Complaint alleges excessive low rates on mineral water in tank cars and barrels from Lansing, Mich., to eastern sea-board cities; detention of a tank-car load of the same for payment of unjust freight charges; higher rates for the transportation of said water than for a like service on shipments of petroleum and pine oil, and refusal to refund charges paid in excess of printed tariff at date of shipment.

Mar. 26, 1888. Complaint filed.

May 3, 1888. Answer filed.

June 18, 1888. Supplemental complaint filed.

July 13, 1888. Answer to supplemental complaint filed.

Sept. 13, 1888. Case assigned for hearing September 25, 1888.

Sept. 18, 1888. Hearing indefinitely postponed at complainant's request.

Jan. 19, 1889. Case assigned for hearing February 5, 1889.

Feb. 5, 1889. Hearing had.

Opinion by Bragg, Commissioner (2 I. C. C. Rep., 594).

Complaint dismissed.

129. Worcester Excursion Car Company *v.* Pennsylvania Railroad Company.

Complaint alleges unjust discrimination and undue prejudice and disadvantage against complainant by reason of defendants hauling the cars of the Pullman Palace Car Company exclusively and refusing to haul those of complainant when offered to defendant; complainant's cars being constructed for similar purposes to those of said palace car company.

Apr. 3, 1888. Complaint filed.

Apr. 24, 1888. Answer filed.

May 24, 1888. Case assigned for hearing June 19, 1888.

June 19, 1888. Hearing. Briefs filed.

Dec. 1, 1889. Case under advisement by the Commission.

130. New York Produce Exchange *v.* New York Central and Hudson River Railroad Company; Lake Shore and Michigan Southern Railway Company; Michigan Central Railroad Company; Chicago and Grand Trunk Railway Company; Great Western Railway Company of Canada; New York, Lake Erie and Western Railroad Company; Chicago and Atlantic Railway Company; New York, Pennsylvania and Ohio Railroad Company; New York, Chicago and St. Louis Railroad



Company; West Shore Railroad Company; Delaware, Lackawanna and Western Railroad Company; Grand Trunk Railway Company of Canada; Pittsburgh, Fort Wayne and Chicago Railway Company; Pennsylvania Railroad Company; Pittsburgh, Cincinnati and St. Louis Railway Company; Wabash Western Railway Company; Baltimore and Ohio Railroad Company; Philadelphia and Reading Railroad Company; Central Railroad of New Jersey.

Complaint alleges unjust discrimination by defendants by means of underbilling; and that defendants have also charged upon flour, grain, and provisions the schedule rates from Chicago and other western points to New York when delivered for domestic consumption or subsequent export, while other persons are charged a much lower rate, even as low as 50 per cent. thereof, for like and contemporaneous services when the same kind of property was delivered to vessels or steamship lines for shipment to foreign ports under through bills of lading issued by defendants, thereby giving undue and unreasonable preference to persons engaged in such shipments to the prejudice of New York firms and consignees, and thereby also charging more for the shorter than the longer distance, in violation of section 4 of the act; also failure to comply with the order of the Commission requiring the publication of rates to the sea-board and a separate statement of ocean rates.

April 18, 1888. Complaint filed.

May 9-29, 1888. Answer filed.

June 13, 14, 1888. Case heard at New York, N. Y., by agreement of parties.

July 14 to Aug. 18, 1888. Briefs filed

Opinion by Schoonmaker, Commissioner (3 I. C. C. Rep., 137).

Order of March 8, 1888, continued in force, and defendants ordered to cease and desist from unjustly discriminating in their rates and charges for inland transportation, between traffic consigned on through bills to foreign ports from interior points and like traffic consigned to the sea-board.

131. Henry McMorran and Edmund B. Harrington, partners, doing business under the firm name of McMorran & Co., v. Chicago and Grand Trunk Railway Company; Grand Trunk Railway Company of Canada.

Complaint alleges that defendant's rates of 8 cents per hundred on grain and 10 cents per hundred on grain products from Port Huron to Buffalo, a distance of 196 miles, is unjust and unreasonable, while the rates on said articles from Chicago to Port Huron, a distance of 335 miles, is 9 cents per hundred, and the through rate from Chicago to Buffalo is 15 cents per hundred, and asks that a reasonable rate be fixed and made to apply on all articles placed in the sixth class alike, such commodities above mentioned being so classed.

Apr. 21, 1888. Complaint filed.

May 28, 1888. Joint answer filed.

May 28, 1888. Case assigned for hearing June 22, 1888.

June 20, 1888. Hearing indefinitely postponed on stipulation of parties.

Nov. 6, 1888. Case assigned for hearing December 11, 1888.

Nov. 30, 1888. Deposition of John W. Loud filed.

Nov. 30, 1888. Statement of A. B. Atwater and stipulation of counsel to treat the same as evidence filed.

Nov. 30, 1888. Stipulation of counsel filed that petition and answer may, at either party's desire, be amended at the hearing so as to cover the testimony as it may appear.

Nov. 30, 1888. Stipulation of counsel filed to submit case on printed briefs.

Dec. 22, 1888. Case assigned for hearing January 30, 1889.

Jan. 21, 1889. Hearing indefinitely postponed at request of parties.

Jan. 28, 1889. Depositions on behalf of defendant filed.

Apr. 4, 1889. Depositions on behalf of both parties filed.

Apr. 13-15, 1889. Briefs filed.

Apr. 15, 1889. Case submitted.

Opinion by Schoonmaker, Commissioner (3 I. C. C. Rep., 252).

Defendant, the Grand Trunk Railway Company of Canada, ordered to cease and desist from charging in excess of 8 cents per hundred pounds on grain and grain products from Port Huron, Mich., to Buffalo, N. Y., while a through rate of 15 cents per hundred pounds on grain and grain products is in effect over the lines of the Chicago and Grand Trunk Railway Company and the Grand Trunk Railway Company of Canada from Chicago, Ill., to Buffalo, N. Y.

132. T. M. C. Logan, F. D. Babcock, and E. H. Parsons, Committee of the North-Western Iowa Grain and Stock Shippers' Association *v.* Chicago and North-Western Railway Company.

Complaint alleges unjust discrimination and violation of the fourth section of the act as follows: Defendant gives relatively lower rates to Chicago from Carroll and points on its main line and south branches west of Carroll, than it affords to Odebolt, Arthur, and Ida Grove and other points on its north branches; shipments of corn and oats from Nebraska points over defendant's lines to New York and other eastern points are billed to Rochelle and Turner Junction in Illinois, and from thence take the Chicago rate to said eastern points, but such privilege is refused to Iowa stations and such rate is not published thereat; the rates per car on live stock from River Sioux and other Iowa points on defendant's north branches to Chicago is \$45, while from stations on its main line and south branches, of relatively the same distance from Chicago, the rate is \$30; defendant's tariff rate on corn and oats from all stations between Carroll and Missouri Valley, inclusive, to New York, via Chicago, is 36.5 cents per 100 pounds, but defendants refused a through rate to New York to complainants from Ida Grove, Arthur, and Odebolt, on its north branches, and instead thereof quoted rates on corn per 100 pounds as follows: Odebolt to Chicago, 20 cents; Arthur and Ida Grove to Chicago, 21 cents; Chicago to New York, 27.5 cents; a difference discriminating against complainants of 11 and 12 cents per 100 pounds, respectively, and which

prevented the sale of thousands of bushels of complainant's corn in the New York market.

May 8, 1888. Complaint filed.

June 4, 1888. Answer filed.

July 6, 1888. Case assigned for hearing July 26, 1888. At Du-  
buque, Iowa.

July 26, 1888. Hearing.

Opinion by Morrison, Commissioner (2 I. C. C. Rep., 604).

Defendant ordered to so re-adjust its northwestern Iowa rates as to make them substantially the same to Chicago for approximately the same distances from stations on its Sioux City and Mapleton line, west of Maple River Junction and east of Onawa, as from stations on its main line west of Maple River Junction. Defendant further ordered to cease and desist from charging any greater compensation in the aggregate for the transportation of a like kind of property for a shorter than for a longer distance in the same direction over its line from Sioux City to Chicago via Maple River Junction, or over its line from Sioux City to Chicago via Missouri Valley.

134. Frank L. Hurlburt *v.* Lake Shore and Michigan Southern Railway Company.

Complaint alleges excessive and unreasonable charges for the transportation of rough hub blocks in car-loads, 28,000 pounds minimum weight, at fifth-class instead of sixth-class rates. Also discrimination between rough and manufactured hub blocks, each placed in defendant's fifth class, although their relative value is about 4 and 25 cents per block, respectively, and more than 50 per cent. of the rough block is wasted in manufacture.

May 8, 1888. Complaint filed.

June 11, 1888. Answer filed.

June 12, 1888. Case assigned for hearing July 17, 1888.

July 17, 1888. Hearing.

Opinion by Cooley, chairman (2 I. C. C. Rep., 130).

Complaint held sustained.

Mar. 25, 1889. Supplemental petition and complaint filed.

May 3, 1889. Answer to supplemental petition filed.

May 10, 1889. Case assigned for hearing at the Boody House,  
Toledo, Ohio, May 24, 1889. 11 a. m.

May 24, 1889. Hearing had, and adjourned until depositions have been taken and filed, when a day for the argument will be named.

135. Spartanburg Board of Trade *v.* Richmond and Danville Railroad Company; Central Railroad of Georgia; Augusta and Knoxville Railroad Company; Port Royal and Augusta Railroad Company; Port Royal and Western Carolina Railroad Company; Ohio and Mississippi Railway Company; Nashville, Chattanooga and St. Louis Railway Company; Louisville and Nashville Railroad Company; St. Louis, Iron Mountain and Southern Railway Company; Chicago, St. Louis and Pittsburgh Railroad Company; Jeffersonville, Madison and



Indianapolis Railroad Company; Cincinnati, Hamilton and Dayton Railroad Company; Cincinnati Southern Railway Company; East Tennessee, Virginia and Georgia Railway Company; Western and Atlantic Railroad Company; Western North Carolina Railroad Company; Asheville and Spartanburgh Railroad Company; Georgia Railroad Company; Illinois Central Railroad Company; Cincinnati, Indianapolis, St. Louis and Chicago Railroad Company.

Complaint forwarded by the board of railroad commissioners of South Carolina.

Complaint alleges that defendants unjustly discriminate against Spartanburg, S. C., in fixing rates to Charlotte, N. C., at \$1.05 per 100 pounds, first class, and gradually increasing the same until Spartanburg, 76 miles distant, is reached, where the rate is placed at \$1.35 per 100 pounds, while from that point to Longview, Ga., a distance of 100 miles, the \$1.35 rate remains stationary, and from Longview to Atlanta it decreases to \$1.14 per 100 pounds; also in rates from western points, as Evansville, Ind., Owensborough and Henderson, Ky., to Spartanburg, as compared with stations farther distant and with Atlanta; and also in rates from Cincinnati, Ohio, Louisville, Ky., and Jeffersonville, Ind., to Spartanburg, S. C.

May 9, 1888. Complaint filed.

May 31 to June 15, 1888. Answers filed.

June 7, 1888. Complaint withdrawn by the petitioner as against the Central Railroad of Georgia; the Augusta and Knoxville Railroad Company; the Port Royal and Augusta Railroad Company; and the Port Royal and Western Carolina Railroad Company.

July 6, 1888. Case assigned for hearing July 20, 1888.

July 20, 1888. Hearing. Case submitted upon the pleadings and tariffs of defendants on file.

Oct. 8, 1888. Opinion by Bragg, Commissioner. (2 I. C. C. Repts., 304.) The petitioner and the defendant, the Richmond and Danville Railroad Company, ordered to take testimony in the case. Case set for further hearing November 20, 1888.

Oct 17, 1888. Hearing continued to November 27, 1888.

Nov. 20, 1888. Hearing continued indefinitely to await the investigation of tariffs ordered in No. 151.

136. S. F. Woodson, Aaron Haas, and J. G. Oglesby, committee of the Atlanta Chamber of Commerce, v. Southern Railway and Steamship Association; Louisville and Nashville Railroad Company; Nashville, Chattanooga and St. Louis Railway Company; Western and Atlantic Railroad Company; Georgia Central Railroad Company; Georgia Railroad Company; South Carolina Railway Company.

Complaint alleges violation of sections 2 and 3 of the act by defendants in giving undue preference to the merchants of Nashville, Tenn., as compared with the merchants of Atlanta, Ga., and also that the joint tariffs of the Southern Railway and Steamship Association unjustly discriminate against Atlanta in favor of competing cities.

May 10, 1888. Complaint filed.

May 19 to June 7, 1888. Answers filed.

June 12, 1888. Case assigned for hearing July 13, 1888.

July 2, 1888. Proceedings suspended at complainant's request.

139. Imperial Coal Company and Andrews, Hitchcock & Co. *v.* Pittsburgh and Lake Erie Railroad Company; New York Lake and Western Railroad Company, lessee of the New York, Pennsylvania and Ohio Railroad.

Complaint alleges excessive rates and unjust discrimination in the transportation of coal mined by the Imperial Coal Company at its mines west of Pittsburgh, and shipped to Cleveland, Ohio, in favor of coal mined east of Pittsburgh and shipped to Cleveland, Ohio.

May 28, 1888. Complaint filed.

June 16-19, 1888. Answers filed.

July 6, 1888. Case assigned for hearing July 18, 1888.

July 18, 1888. Hearing.

Oct. 22, 1888. Parties ordered to take additional testimony by deposition and file the same by December 2, 1888.

Oct. 25, 1888. Baltimore and Ohio Railroad Company granted leave to intervene on the part of defendants.

Dec. 4, 1888. Deposition filed on behalf of complainants.

Dec. 6, 1888. Depositions filed on behalf of both parties.

Dec. 15, 1888. Case assigned for hearing January 11, 1889.

Jan. 11, 1889. Hearing had. Brief for Pittsburgh and Lake Erie Railroad Company filed.

Opinion by Schoonmaker, Commissioner. (2 I. C. C. Rep., 618.)

Complaint held not sustained.

144. Board of Trade of the City of Chicago *v.* Chicago and North-Western Railway Company; Pennsylvania Company.

Complaint alleges violations of sections 1, 2, and 3 of the act by defendants' unreasonable charges and unjust discrimination against the city of Chicago, as a locality, and the members of complainants' association, and that such discrimination is caused by the unjust and unreasonably excessive difference between defendants' joint through tariffs on grain from points in Nebraska to New York and the sum of their local tariffs in force on like traffic from said Nebraska points to Chicago, and from Chicago to New York; and that such difference in favor of the through transportation also subjects the city of Chicago to unreasonable and unjust prejudice and disadvantage.

July 23, 1888. Complaint filed.

Aug. 9 to Oct. 22, 1888. Answers filed.

Oct. 20, 1888. Case assigned for hearing December 13, 1888.

Nov. 17, 1888. Hearing indefinitely postponed by agreement of parties.

145. Board of Trade of the City of Chicago *v.* Chicago, Rock Island and Pacific Railway Company; Baltimore and Ohio Railroad Company.

Complaint alleges violation of sections 1, 2, and 3 of the act by defendants' charges and unjust discrimination against the

city of Chicago, as a locality, and the members of the complainant's association, and that such discrimination is caused by the unjust and unreasonably excessive difference between defendants' joint through tariffs on grain from points in Iowa to Baltimore and the sum of their local tariffs in force on like traffic from said Iowa points to Chicago, and from Chicago to Baltimore; and subjects the city of Chicago to unreasonable and unjust prejudice and disadvantage.

July 23, 1888. Complaint filed.

Aug. 27, to Sept 14, 1888. Answers filed.

Oct. 20, 1888. Case assigned for hearing December 14, 1888.

Nov. 17, 1888. Hearing indefinitely postponed by agreement of parties.

146. Little Rock and Memphis Railroad Company *v.* East Tennessee, Virginia and Georgia Railway Company; St. Louis, Iron Mountain and Southern Railway Company.

Complaint alleges that the Bald Knob Branch of the St. Louis, Iron Mountain and Southern Railway, and the Kansas City, Springfield and Memphis Railroad, are competitors of complainant's road, and it further alleges that in violation of the third section of the act to regulate commerce the defendants have withdrawn and discontinued the sale of through tickets over complainant's road between Memphis and western and southern points in Texas and elsewhere, while continuing the sale of through tickets between said points over the competing roads above mentioned.

Aug. 29, 1888. Complaint filed.

Sept. 19-29, 1888. Answers filed.

Oct. 20, 1888. Case assigned for hearing December 11, 1888.

Nov. 14, 1888. Amendment to answer of St. Louis, Iron Mountain and Southern Railway Company filed.

Dec. 11, 1888. Hearing had.

Dec. 11, 1888, to Jan. 14, 1889. Briefs filed.

Opinion by Walker, Commissioner. (3 I. C. C. Rep., 1)

In its present form and in the absence of the necessary machinery, the statute is not adequate to afford the relief prayed in the petition.

147. Louisville Southern Railroad Company *v.* Louisville and Nashville Railroad Company; Louisville Railway Transfer Company.

Complaint alleges violation of the act to regulate commerce by defendants in refusing to interchange interstate traffic with the complainants at its point of intersection with the line of the defendants in the city of Louisville in the State of Kentucky.

Aug. 30, 1888. Complaint filed.

Sept. 18, 1888. Joint answer filed.

Sept. 24, 1888. Case assigned for hearing October 16, 1888.

Oct. 10, 1888. Hearing postponed to November 14, 1888.

Nov. 15, 1888. Hearing postponed to January 8, 1889.

Nov. 24, 1888. Leave granted counsel to stipulate a day between January 22, 1889, and January 31, 1889, for the hearing of the case.



Dec. 28, 1888. Hearing indefinitely postponed by agreement of parties.

148. David Hostetter and Milton L. Myers, partners, engaged in business as Hostetter & Co., *v.* Pennsylvania Company, a corporation of the Commonwealth of Pennsylvania, operating the Pittsburgh, Fort Wayne and Chicago Railroad and other railroads and their branches; Baltimore and Ohio Railroad Company; Lake Shore and Michigan Southern Railway Company; Pittsburgh and Lake Erie Railroad Company; New York Central and Hudson River Railroad Company; Allegheny Valley Railroad Company; Pennsylvania Railroad Company.

Complaint alleges that "Hostetter's Stomach Bitters," a proprietary medicine, formerly placed by defendants in class 4 when shipped in car-load lots, and in class 3 when shipped in less than car-load lots, is now wrongfully and in violation of the act to regulate commerce classified by defendants in class 1, without reduction in case of car-load shipments, and that unless released from shortage and damage claims defendants refuse to transport the same unless double rates are paid. And further, that the rates in force under such classification are unjust and unreasonable.

Sept. 12, 1888. Complaint filed.

Oct. 10 to Nov. 8, 1888. Answers filed.

Nov. 21, 1888. Notice of the death of David Hostetter, senior member of the firm of Hostetter & Co., complainants, and request for the substitution of Milton L. Myers, as surviving partner, filed by complainants' counsel.

Jan. 7, 1889. Deposition on behalf of complainant filed.

Jan. 10, 1889. Hearing had.

Jan. 10-Feb. 11, 1889. Briefs filed for complainant.

Opinion by Schoonmaker, Commissioner. (2 I. C. C. Rep., 573.)

Complaint held not sustained.

Mar. 27, 1889. Application for rehearing filed.

June 7, 1889. Memorandum filed. Application denied. (3 I. C. C. Rep., 130.)

149. Mary O. Stone and Thomas Carten, a copartnership doing business under the name of Stone & Carten, *v.* Detroit, Grand Haven and Milwaukee Railway Company.

Complaint alleges that in charging equal rates to Grand Rapids and Ionia from Philadelphia, New York and points east of Detroit, Ionia being shorter distance from Detroit than Grand Rapids, and both situate on defendant's line of railroad, and in draying freight free of charge to consignee's doors at Grand Rapids, while like kinds of freight are only delivered at its warehouse in Ionia, defendant unjustly discriminates against Ionia in favor of Grand Rapids, to its prejudice and disadvantage, and makes greater charges for a shorter than for a longer distance, in violation of sections 2, 3 and 4 of the act to regulate commerce.

Sept. 24, 1888. Complaint filed.

Oct. 8, 1888. Answer filed.

Oct. 20, 1888. Case assigned for hearing December 11, 1888.

- Dec. 10, 1888. Hearing indefinitely postponed on stipulation of parties.
- Dec. 22, 1888. Case assigned for hearing January 23, 1889, 11 a. m.
- Jan. 24, 1889. Brief for defendant filed.
- Jan. 29, 1889. Hearing. Agreed statement of facts filed.
- Jan. 29, 1889. Brief filed for complainant.
- Jan. 29, 1889. Brief filed for cartage companies.
- Dec. 1, 1889. Case under advisement by the Commission.

150. *Coxe Brothers and Company v. Lehigh Valley Railroad Company.*

Complaint alleges that defendant's charges to complainant's anthracite coal as interstate traffic are unreasonable and unjust; that said charges are greater than are charged to others on bituminous coal traffic shipped contemporaneously and under similar circumstances and conditions, and that said bituminous coal traffic is thereby given an unreasonable preference and advantage over said anthracite coal traffic, to its undue prejudice and disadvantage. The complaint further alleges that defendant charges petitioners more on anthracite coal as interstate traffic than it charges the Lehigh Valley Coal Company on anthracite coal contemporaneously shipped under similar circumstances and conditions, thereby giving to said Lehigh Valley Coal Company an unreasonable preference and advantage over petitioner and other shippers, to their undue prejudice and disadvantage.

- Oct. 19, 1888. Complaint filed.
- Nov. 13, 1888. Answer filed.
- Nov. 15, 1888. Case assigned for hearing January 11, 1889.
- Nov. 24, 1888. Case re-assigned for hearing January 18, 1889, upon request of parties.
- Jan. 18, 1889. Hearing. Memorandum filed by complainants.
- Jan. 18, 1889. *Ordered*: That the hearing be adjourned to February 7, 1889, and that the Pennsylvania Railroad Company; the New York, Lake Erie and Western Railroad Company; the Philadelphia and Reading Railroad Company; the Central Railroad Company of New Jersey; the Delaware and Hudson Canal Company; the New York, Susquehanna and Western Railroad Company; the Lehigh Coal and Navigation Company; the Erie and Wyoming Valley Railroad Company, or any member of the Trunk Line Association, may appear and join in the defense as they may think necessary.
- Feb. 7-12, 1889. Hearing had. Case continued to March 1, 1889, for argument.
- Feb. 28, 1889. Hearing of argument continued to March 14, 1889, at the request of counsel.
- Mar. 5, 1889. Hearing of argument continued to March 19, 1889.
- Mar. 19-20, 1889. Hearing had.
- Mar. 19 to Apr. 4, 1889. Briefs filed.
- Dec. 1, 1889. Case under advisement by the Commission.

151. *In the Matter of the Tariffs and Classifications of the Atlanta and West Point Railroad Company; Central Railroad and Banking Company of Georgia; Charleston and Savannah Railway Company; Charlotte, Columbia and Augusta Railroad Com-*

pany; Cincinnati, New Orleans and Texas Pacific Railway Company; Columbia and Greenville Railroad Company; East Tennessee, Virginia and Georgia Railway Company; Georgia Railroad and Banking Company; Louisville and Nashville Railroad Company; Memphis and Charleston Railroad Company; Mobile and Girard Railroad Company; Mobile and Montgomery Railroad Company; Montgomery and Enfaula Railroad Company; Nashville, Chattanooga and St. Louis Railway Company; Norfolk and Western Railroad Company; Port Royal and Augusta Railway Company; Richmond and Danville Railroad Company; Rome Railroad Company; Savannah, Florida and Western Railway Company; Savannah, Griffin and North Alabama Railway Company; Seaboard and Roanoke Railroad Company; South Carolina Railway Company; South and North Alabama Railway Company; Vicksburg and Meridian Railway Company; Western and Atlantic Railroad Company; Western Railway Company of Alabama; Wilmington and Weldon Railroad Company; Wilmington, Columbia and Augusta Railroad Company; and such other carriers as may hereafter be named, operating in the same territory with those above enumerated, or connecting with them:

A general examination and investigation of the tariffs and classifications of the above-named companies ordered.

Oct. 22, 1888. Matter assigned for hearing December 18, 1888.

Dec. 18, 19, 20, 1888. Hearing had.

Opinion by Walker, Commissioner. (3 I. C. C. Rep., 19.)

*Ordered:* That in the transportation of interstate traffic and in the making, filing and publication of tariffs for such traffic each and every of the several carriers above named without unnecessary delay, correct and arrange their respective tariffs whether they be individual or joint tariffs, in such manner as to comply with the provisions of the act to regulate commerce in the particulars specified as to each carrier and line of carriers in said report and opinion, and that each of said carriers make report to the Commission of its action in the premises.

153. The Independent Refiners' Association; of Titusville, Pennsylvania, and the Independent Refiners' Association, of Oil City, Pennsylvania, *v.* Western New York and Pennsylvania Railroad Company; New York, Lake Erie and Western Railroad Company; Delaware and Hudson Canal Company; Fitchburg Railroad Company; Boston and Maine Railroad Company.

Complaint alleges that defendants' rate of \$1 per barrel on refined petroleum from Titusville and Oil City, Pa., to Boston and other New England points is unreasonable and disproportionate to defendants charge of 66 cents per barrel from the points first named to New York City; and that on account of ocean competition in oil traffic between New York and Boston any unreasonable difference in above-named rates is unjust; that the two defendants herein first named charge proportionately more for like and contemporaneous service on like traffic to Boston points than to New York;



that defendants have withdrawn their through tariff to Manchester, N. H., and Portland, Me., and other points on the Boston and Maine Railroad, without giving proper notice thereof, and since such withdrawal, while not refusing the traffic, they have refused to quote definite rates thereon; that the Standard Oil Trust, a common carrier of oil by pipe lines, and the Trunk Lines pool freight or net earnings and divide the same, and also fix the rates complained of, which rates are the same as are charged by said pipe lines.

Dec. 4, 1888. Complaint filed.

Dec. 26, 1888 to Jan. 14, 1889. Answers filed.

Dec. 27, 1888. Memorandum filed by complainants.

Dec. 27, 1888. *Ordered*: That the various carriers composing transportation routes as shown by the above memorandum be furnished with copies of this order and of the petitions and answers when they shall be fixed; and that said other carriers have leave to intervene as parties by filing notice to that effect within ten days.

Jan. 17, 1889. Certified copies of the complaint and answers, and of the above order, sent to all parties and to the carriers named in the memorandum of complainants on file.

Jan. 24, 1889. Provisions of above order extended so as to apply to the Philadelphia and Reading Railroad Company and the Fall Brook Coal Company.

Jan. 26, 1889. Appearance of Lake Shore and Michigan Southern Railway Company filed.

Jan. 29, 1889. Notice of intervention as a party defendant filed by New York Central and Hudson River Railroad Company.

Apr. 1, 1889. Case assigned for hearing at Titusville, Pa., May 15, 1889.

May 15, 1889. Hearing had and continued to June 11, 1889, at Washington.

May 20, 1889. Case assigned for further hearing at Washington, June 11, 1889.

June 5, 1889. Hearing postponed to June 27, 1889.

June 27, 1889. Hearing had and continued to October 15, 1889.

Oct. 15, 16, 17, 1889. Hearing had and continued for argument to a day to be named.

154. The Independent Refiners' Association of Titusville, Pa., and the Independent Refiners' Association, of Oil City, Pa., *v.* Western New York and Pennsylvania Railroad Company; New York, Lake Erie and Western Railroad Company; Lehigh Valley Railroad Company.

Complaint alleges that defendants' rate of 66 cents per barrel on refined petroleum from Titusville and Oil City to Perth Amboy is excessive and unreasonable; that the Standard Oil Trust, a common carrier of oil by pipe lines, and the Trunk Lines pool freight or net earnings and divide the same, and also fix the rate complained of, which rate is the same as that charged by said pipe lines.

Dec. 4, 1888. Complaint filed.

Dec. 26, 1888, to Jan. 14, 1889. Answers filed.

Dec. 27, 1888. Memorandum filed by complainants.

Dec. 27, 1888. *Ordered*: That the various carriers composing

transportation routes as shown by the above memorandum, be furnished with copies of this order, and of the petitions and answers when the latter shall be filed; and that said other carriers have leave to intervene as parties by filing notice to that effect within ten days.

- Jan. 17, 1889. Certified copies of complaint and answers, and of the above order, sent to all parties and to the carriers named in the memorandum of complainants on file.
- Jan. 24, 1889. Provisions of above order extended so as to apply to the Philadelphia and Reading Railroad Company and the Fall Brook Coal Company. Copies sent.
- Jan. 26, 1889. Appearance of Lake Shore and Michigan Southern Railway Company, by George C. Greene, general counsel, filed.
- Jan. 29, 1889. Notice of intervention as a party defendant filed by New York Central and Hudson River Railroad Company, by Frank Loomis, counsel, filed.
- Apr. 1, 1889. Case assigned for hearing at Titusville, Pa., May 15, 1889.
- May 15, 1889. Hearing had and continued to June 11, 1889, at Washington.
- May 20, 1889. Case assigned for further hearing at Washington June 11, 1889.
- June 5, 1889. Hearing postponed to June 27, 1889.
- June 27, 1889. Hearing had and continued to Oct. 15, 1889.
- June 28, 1889. Statement of permanent subcommittee of Philadelphia Board of Trade on alleged decadence of the commerce of the port of Philadelphia, with accompanying resolutions filed.
- Oct. 15, 16, 17, 1889. Hearing had and continued for argument to a day to be named.

155. Putnam P. Bishop *v.* H. R. Duval, as receiver of the Florida Railway and Navigation Company.

Complaint alleges unjust, unreasonable and greatly disproportionate charges for the carriage of oranges in car-load lots between points in the State of Florida when such carriage forms part of the through transportation from Citra in said State to New York City, Boston and Philadelphia. And it further alleges that such charges namely, 25 cents per crate from Citra to various Florida points, are, by the defendant and the Florida Southern Railway Company, made arbitrary on through shipments destined outside of said State, and that said arbitrary rate compared with the pro-rate received by defendant for longer hauls of the same traffic between said Florida points upon its line including the shorter haul from Citra, namely 12 cents per crate, constitutes unjust discrimination against the orange shippers of Citra.

- Dec. 17, 1888. Complaint filed.
- Jan. 15, 1889. Answer filed.
- Mar. 18, 1889. Case assigned for hearing May 1, 1889.
- May 1, 1889. Hearing had. Memorandum filed. (3 I. C. C. Rep., 128.)
- Complaint dismissed.

156. *James A. Harris v. H. R. Duval*, as receiver of the Florida Railway and Navigation Company; Savannah, Florida and Western Railway Company; Central Railroad and Banking Company of Georgia; Western and Atlantic Railway Company; Nashville, Chattanooga and St. Louis Railway Company; Louisville and Nashville Railroad Company; Evansville and Terre Haute Railroad Company; Chicago and Eastern Illinois Railroad Company; St. Louis, Keokuk and Northwestern Railroad Company; Florida Southern Railway Company.

Complaint alleges unjust, unreasonable, and greatly disproportionate charges for the carriage of oranges in car-load lots between points in the State of Florida, when such carriage forms part of the through transportation by defendants from Citra, in said State, to Chicago, Ill., and Keokuk, Iowa. And it further alleges that such charges—namely, 25 cents per crate from Citra to various Florida points—are by the defendants, the Florida Railway and Navigation Company and the Florida Southern Railway Company, made arbitrary on through shipments destined outside of said State, and that said arbitrary rate compared with the pro-rate received by the Florida Railway and Navigation Company, for the longer hauls of the same traffic over its line between Florida points, including the shorter haul from Citra—namely, 12 cents per crate—constitutes unjust discrimination against the orange-shippers of Citra.

Dec. 17, 1888. Complaint filed.

Dec. 26, 1888, to Jan. 15, 1889. Answers filed.

Mar. 18, 1889. Case assigned for hearing May 1, 1889.

May 1, 1889. Hearing had. Memorandum filed. (3 I. C. C. Rep., 128.)

Complaint dismissed.

157. *L. Lippman & Co. v. Illinois Central Railroad Company*.

Complaint alleges that defendant charges more for the transportation of cotton shipped from Yazoo City, Miss., to New Orleans than it receives as its division of through rates when the cotton is shipped by steam-boat on through bills of lading from points on the Yazoo River to Yazoo City and thence by defendants' road to New Orleans.

Dec. 1, 1888. Complaint filed.

Dec. 1, 1888. No order of notice issued.

Jan. 3, 1889. Memorandum filed. (2 I. C. C. Rep., 584.)

No order considered necessary.

158. *Railroad and Warehouse Commission of the State of Minnesota v. Chicago and North-Western Railway Company; Chicago, St. Paul and Kansas City Railway Company; Wisconsin Central Railroad Company; Chicago, Burlington and Northern Railroad Company; Chicago, Burlington and Quincy Railroad Company; Chicago, Rock Island and Pacific Railway Company; Minneapolis and St. Louis Railway Company; Chicago, St. Paul, Minneapolis and Omaha Railway Company; Burlington, Cedar Rapids and Northern Railway Company.*



Complaint alleges that defendants have violated the provisions of the act since July 1, 1888, in the following particulars: by special rates, rebates, commissions and other devices; by giving undue and unreasonable preference and advantage to particular persons, firms, corporations and localities, and to particular descriptions of traffic; by failing to print and keep for public inspection schedules of rates, fares and charges, containing the freight classification in force, in such proper form and places for convenient inspection as is required by the sixth section. (*See* No. 165.)

Jan. 12, 1889. Complaint filed.

(*See* matter of rate sheets of same carriers, No. 165.)

159. John P. Squire & Company v. Michigan Central Railroad Company; New York Central and Hudson River Railroad Company; Boston and Albany Railroad Company.

Complaint alleges that the relative rates charged by defendants for the transportation of live hogs for complainants and of slaughtered beef, live cattle, and slaughtered hog products for other parties from Chicago and Joliet, Ill., to Cambridge, Somerville, and Boston, Mass., constitute unjust discrimination and undue and unreasonable prejudice and disadvantage to complainants.

Jan. 19, 1889. Complaint filed.

Jan. 19, 1889. *Ordered*: That the Vermont Central Railroad Company, the New York, Ontario and Western Railway Company, the Pennsylvania Railroad Company, the New York, Lake Erie and Western Railroad Company, the Delaware, Lackawanna and Western Railroad Company, the Baltimore and Ohio Railroad Company and the Grand Trunk Railway Company have leave to intervene as parties by filing notice of desire to do so within twenty days from this date.

Jan. 19, 1889. Copies of the petition and of the above order sent to the carriers named and to the parties. Notice sent defendants.

Feb. 14, 1889. Copies of the complaint sent to the Iowa Railroad Commission on January 31, and to Hon. W. J. Campbell, 218 La Salle street, Chicago, Ill., on this date. Answers to be sent when filed. Also notices of hearing.

Feb. 28, 1889. Copies of answers and notices of hearing to be sent Messrs. Cummins & Wright, Des Moines, Iowa, and Gage, Ladd & Small, Kansas City, Mo.

Mar. 1, 1889. Joint answer filed.

Apr. 9, 1889. Case assigned for hearing May 9, 1889, 10 a. m., at Palmer House, Chicago, Ill.

Apr. 18, 1889. Hearing postponed to the last of May or early part of June, on a day to be hereafter named.

May 10, 1889. Case assigned for hearing at the Palmer House, Chicago, Ill., May 27, 1889, 10 a. m., and at the Peabody House, Kansas City, Mo., May 31, 1889, 10 a. m.

May 27, 1889. Hearing called and continued to a day to be named.

May 31, 1889. Hearing called and continued to a day to be named.

Sept. 3, 1889. Case assigned for hearing at the Palmer House, Chicago, Ill., September 30, 1889.

Sept. 30, 1889. Hearing continued to a day to be named.

Oct. 25, 1889. Case assigned for hearing December 4, 1889.

Nov. 1, 1889. Depositions on behalf of complainants filed.

Nov. 4, 1889. Hearing indefinitely postponed by agreement of parties.

Nov. 20, 1889. Depositions on behalf of defendants filed.

160. In the Matter of the Transportation of Persons over the Pennsylvania Railroad; New York Central and Hudson River Railroad; Delaware, Lackawanna and Western Railroad; Baltimore and Ohio Railroad; Grand Trunk Railway; Vermont Central Railroad; New York, Ontario and Western Railway; New York, Lake Erie and Western Railroad.

It having come to the knowledge of the Commission that various railroad companies in the country are giving a construction to the interstate commerce law in the issue of passes for free transportation that differs in some particulars from that which the law received at their hands at the time of its enactment, and the Commission being apprehensive that the new construction may lead to mischiefs, it has been thought best to invite the presidents of what are commonly known as the Trunk Line Companies, either in person or by representatives chosen by themselves, to meet the Commission in conference for the purpose of a free interchange of views on the subject and for such action on the part of the Commission as shall seem to be called for.

Jan. 17, 1889. Conference set down for February 6, 1889.

Jan. 17, 1889. Presidents of each company notified.

Feb. 6, 1889. Conference held. (*See* No. 191.)

161. William L. Rawson *v.* Newport News and Mississippi Valley Company.

Complaint alleges violation of sections 3 and 6 as follows: Defendant's published tariff in force August 10, 1887, along the line of its Chesapeake and Ohio Railway, on lumber from Covington, Ky., to New York City was 24 cents per 100 pounds, including lighterage, and the route was via the Richmond, Fredericksburg and Potomac Railroad; a car-load of lumber billed by said route was, without complainant's consent, forwarded by defendant via the Baltimore and Ohio Railroad, a lighterage charge of 5 cents per 100 pounds from Communipaw to New York was added to said rate, and bills of lading by the latter were substituted after the dispatch of the car for those by which the former route was named; the tariff specifying the former rate had not been withdrawn, and the only authority for such change of route was an agents' circular, not posted for public information, whereby single car-lots could only be billed to Communipaw at 24 cents, but five car-lots might be billed to New York City at 24 cents per 100 pounds, lighterage free.

Jan. 22, 1889. Complaint filed.

Feb. 13, 1889. Time to answer extended fifteen days on application of defendant's counsel.

Feb. 27, 1889. Answer filed.

Mar. 18, 1889. Case assigned for hearing April 9, 1889.

Apr. 5, 1889. Leave granted to complainant to amend the complaint by adding new parties, and hearing to stand over indefinitely.

Apr. 25, 1889. Amended complaint filed adding as parties defendant the Baltimore and Ohio Railroad Company and L. Boyers' Sons, lighterage agents for the Baltimore and Ohio Railroad Company at New York.

May 15, 1889. Answers of Baltimore and Ohio Railroad Company and L. Boyers' Sons filed.

May 20, 1889. Case assigned for hearing at Washington, June 20, 1889.

June 20, 1889. Hearing had.

Opinion by Bragg, Commissioner (3 I. C. C. Rep., 266).

Complaint dismissed without prejudice.

162. In the Matter of Passenger Tariffs and Rate Wars.

Dec. 7, 8, 10 and 11, 1888. Investigation held at Chicago, Ill.

Jan. 25, 1889. Memorandum filed (2 I. C. C. Rep., 513).

163. Independent Refiners' Association of Titusville; Independent Refiners' Association of Oil City; v. Pennsylvania Railroad Company; Western New York and Pennsylvania Railroad Company.

Complaint alleges that defendants' rate of 66 cents per barrel, formerly 52 cents per barrel, on refined petroleum oil shipped in barrels from the Pennsylvania oil regions to tide-water in New York Harbor for export is unjust and unreasonable; that said rate compared with the rate of 52 cents per barrel charged by defendants for like service on oil shipped in tank cars for export constitutes unjust discrimination and undue and unreasonable preference and advantage in favor of the shipments in tanks. It also alleges undue preference and advantage to the companies affiliated to the Standard Oil Trust by reason of a contract existing between the Pennsylvania Railroad Company and the National Transit Company, a common carrier of oil by pipe lines and under the control of said trust, whereby it is agreed to pool or divide traffic in oil, and said railroad company is guaranteed 26 per cent. of the traffic between said points, and also that the same rates shall be maintained by rail and pipe lines. The difference between price paid by petitioners by rail or pipe line and the cost to said trust companies is about 48 cents per barrel, including local pipeage and collection.

Jan. 30, 1889. Complaint filed.

Feb. 18-28, 1889. Answers filed.

Apr. 1, 1889. Case assigned for hearing at Titusville, Pa., May 16, 1889.

May 15, 1889. Hearing had and continued to June 11, 1889, at Washington.

May 20, 1889. Case assigned for further hearing at Washington, June 11, 1889.

June 5, 1889. Hearing postponed to June 27, 1889.

June 27, 1889. Hearing had and continued to Oct. 15, 1889.

Oct. 15, 16, 17, 1889. Hearing had. Brief and Supplemental Brief Pennsylvania Railroad Company, on motion of complainants' counsel for production of contract between it and the National Transit Company. Hearing for argument continued to a day to be named.



## 164. In the Matter of a General Conference of Railroad Commissioners.

The suggestion for a general conference of Railroad Commissioners having been heartily approved by the State Railroad Commission, it was ordered that such conference be held.

Jan. 31, 1889. Ordered: That the conference be held at the office of the Commission in Washington, D. C., at 11 o'clock a. m., on the 5th day of March, 1889.

Jan. 31, 1889. Invitations sent to each State Railroad Commission, to Board of Tax Assessors, or Secretaries of State or Internal Affairs in States where no Railroad Commission exists and railroad matters are specially in charge of such department officials, and to the Governors of all other States and Territories.

Mar. 5, 6, 7, 1889. Conference held. Proceedings ordered printed.

## 165. In the Matter of the Rate Sheets of Chicago and North-Western Railway Company; Chicago, St. Paul and Kansas City Railway Company; Chicago, Milwaukee and St. Paul Railway Company; Wisconsin Central Railroad Company; Chicago, Burlington and Northern Railroad Company; Chicago, Burlington and Quincy Railroad Company; Chicago, Rock Island and Pacific Railway Company; Minneapolis and St. Louis Railway Company; Chicago, St. Paul, Minneapolis and Omaha Railway Company; Burlington, Cedar Rapids and Northern Railway Company.

It appearing to the Commission that it is desirable that an investigation be had in regard to the manner in which the several respondents named make and publish their respective rate sheets, and from time to time change the same, and also as to the forms thereof, with a view to the correction of any errors in method or form, and to insuring the results intended by the act requiring the same, and that, especially, the following matters may be determined, that is to say:

- (1) Whether the forms of the rate sheets give the public the information to which they are entitled.
- (2) Whether the rate sheets actually issued are printed and published as required by law.
- (3) Whether in some instances the rate sheets are not put in force before they have been duly published.
- (4) In what manner respondents are accustomed to give notice of an advance of rates, and whether the notice as given complies with the law.
- (5) Whether joint rates when made are duly agreed upon and filed in proper form with the Commission.
- (6) Whether it is not desirable that all joint rates be ordered by the Commission to be published, and if not, whether such order should not be made as to some class thereof.

Feb. 4, 1889. Investigation ordered held at Palmer House, Chicago, Ill., February 19, 1889, 10 a. m.

Feb. 4, 1889. Copy order sent each respondent, and the Railroad and Warehouse Commission of Minnesota. (See No. 158.)

Feb. 19, 20, 21, 1889. Hearing had at Chicago, Ill.

## 166. William H. Heard v. Georgia Railroad Company.

Complaint alleges that the complainant, a colored person,

while traveling from Philadelphia to Atlanta on a first-class through ticket, was compelled on changing cars at Augusta, Ga., to enter a compartment of a car assigned for the use of colored persons only, and that the comforts and accommodations provided in such half-car were second class and inferior to those afforded to white passengers traveling first class and occupying a separate coach in the same train, thereby subjecting him to undue and unreasonable prejudice and disadvantage. The complaint prays that the decision of the Commission upon the complaint heretofore brought against the defendant by the complainant may be enforced if these charges are found to be true.

Feb. 9, 1889. Complaint filed.

Mar. 5, 1889. Answer filed.

Mar. 18, 1889. Case assigned for hearing April 10, 1889.

Apr. 8, 1889. Deposition on behalf of complainant filed.

Apr. 10, 1889. Hearing had.

Opinion by Bragg, Commissioner (3 I. C. C. Rep., 111).

Defendant ordered to cease and desist from subjecting petitioner and other persons of his race and color to undue prejudice and disadvantage by failing and refusing to furnish them passenger accommodations and comforts equal to those afforded to white passengers paying the same fare, or failing to furnish them equal protection against disorderly conduct on the part of other passengers or persons traveling on its passenger trains.

May 22, 1889. Statement filed by defendant giving notice of refusal to comply with the provisions of the order of the Commission served upon it in this proceeding, and the reason for such refusal, namely, its appeal to the courts.

167. Irving Williams v. Richmond and Danville Railroad Company.  
(Forwarded by Railroad Commission of South Carolina.)

Complaint alleges that defendant's refusal to give him a through bill of lading on cotton offered for shipment from Winnsborough, S. C., to New York, via rail line to Charleston and steamship line to destination at the same through rate that would be charged if the same route was over defendant's line to West Point and thence by water line to New York, constitutes unjust discrimination when through bills are given by the way of Charleston from points in defendant's Columbia and Greenville branch road to New York.

Feb. 2, 1889. Complaint and Papers filed. No order of notice issued.

Feb. 12, 1889. Memorandum filed by the Commission. (*In re* Joint Water and Rail Lines, 2 I. C. C. Rep., 645.)

No order considered necessary.

168. Memphis Freight Bureau v. Kansas City, Fort Scott and Memphis Railroad Company.

Complaint alleges that by defendant's published tariff No. 261, the rates on the several classes of freight therein named are, according to distance, improperly graded between Memphis, Tenn., and Cabool, Mo., in comparison with the rates

put in force by said tariff from Memphis to stations west of Cabool to and including Spring Hill.

Feb. 15, 1889. Complaint filed.

Mar. 19, 1889. Answer filed.

Mar. 18, 1889. Case assigned for hearing April 11, 1889.

Apr. 6, 1889. Hearing postponed indefinitely by request of parties.

May 9, 1889. Request for discontinuance filed by complainant.

May 9, 1889. Ordered that proceedings be discontinued.

169. *Memphis Freight Bureau v. Kansas City, Fort Scott and Memphis Railroad Company.*

Complaint alleges that defendant is a member of the Western Freight Association; that the rates of defendant between Kansas City and Memphis are higher than the published rates of the Western Freight Association between Kansas City and Chicago and Milwaukee; that the distance from Kansas City is 458 miles to Chicago, 543 miles to Milwaukee, and 487 miles to Memphis; that the physical difficulties of transportation are not believed to be as great between Kansas City and Memphis as between Kansas City and Milwaukee; that by reason of said higher rates Kansas City business is lost to Memphis; that said higher rates should be so reduced that they shall not be at any time greater than the rates of said association between Kansas City and Chicago.

Feb. 15, 1889. Complaint filed.

Mar. 19, 1889. Answer filed.

Mar. 18, 1889. Case assigned for hearing April 11, 1889.

Apr. 6, 1889. Hearing postponed indefinitely by request of parties.

May 9, 1889. Request for discontinuance filed by complainant.

May 9, 1889. *Ordered*, That proceeding be discontinued.

170. *Memphis Freight Bureau v. Missouri Pacific Railway Company.*

Complaint alleges that defendant, by establishing a tariff of rates on freight which makes no distinction in rates between St. Louis and East St. Louis and the following western points: Kansas City, St. Joseph, Atchison and Leavenworth, and names higher rates between Memphis and the three points last named than it does between Memphis and Kansas City, unjustly discriminates against Memphis in favor of St. Louis and East St. Louis to its prejudice and disadvantage. It further alleges like discrimination by defendant's allowing certain preferential rates between St. Louis and East St. Louis and said western points and denying like preferential rates between Memphis and said western points.

Feb. 15, 1889. Complaint filed.

Mar. 12, 1889. Answer filed.

Mar. 18, 1889. Case assigned for hearing April 11, 1889.

Apr. 6, 1889. Hearing postponed indefinitely.

May 9, 1889. Request for discontinuance filed by complainant.

May 9, 1889. *Ordered*, That proceeding be discontinued.



171. *Memphis Freight Bureau v. Missouri Pacific Railway Company.*

Complaint alleges that defendant by establishing the same rates between St. Louis and East St. Louis and Omaha that it exacts between St. Louis and East St. Louis and Kansas City, St. Joseph, Leavenworth and Atchinson, while its rates between Memphis and Omaha are higher than its rates between Memphis and Kansas City, unjustly discriminates against Memphis to the unlawful advantage of St. Louis and East St. Louis.

Feb. 15, 1889. Complaint filed.

Mar. 12, 1889. Answer filed.

Mar. 18, 1889. Case assigned for hearing April 11, 1889.

Apr. 6, 1889. Hearing indefinitely postponed.

May 9, 1889. Request for discontinuance filed by complainant.

May 9, 1889. *Ordered*, That proceeding be discontinued.

172. *Memphis Freight Bureau v. Southern Railway and Steamship Association.*

Complaint alleges that differences in the rates promulgated by the defendant Association from Memphis and Nashville to Anniston, Eufaula, Poelika, Selma, Montgomery, Ala., and Columbus, Ga., viz: Class 1, 31 cents; class 2, 26 cents; class 3, 21 cents; class 4, 18 cents; class 5, 14 cents; class 6, 9 cents; class A, 4 cents; class B, 4 cents; class C, 3 cents; class D, 3 cents, and class E, 11 cents per 100 pounds, unjustly discriminate against Memphis in favor of Nashville; that such differentials should be fixed on a percentage basis and not arbitrarily; and that Memphis rates should not be more than 10 per cent. higher than Nashville rates to said points.

Feb. 15, 1889. Complaint filed.

Mar. 9, 1889. Answer filed.

Mar. 18, 1889. Case assigned for hearing April 11, 1889.

Apr. 6, 1889. Hearing indefinitely postponed.

May 9, 1889. Request for discontinuance filed by complainant.

May 9, 1889. *Ordered*, That proceeding be discontinued.

173. *James & Abbott v. East Tennessee, Virginia and Georgia Railway Company; Norfolk and Western Railroad Company; Shenandoah Valley Railroad Company; Cumberland Valley Railroad Company; Pennsylvania Railroad Company; New York, New Haven and Hartford Railroad Company; New York and New England Railroad Company.*

Complaint alleges violation of section 4 of the act as follows: Under through joint arrangements defendants charge a through rate of 36 cents per 100 pounds, on lumber in car-loads from Johnson City, Tenn., to Boston, Mass., a distance of 911 miles, while they charge 34 cents per 100 pounds, on lumber in car-loads from Atlanta, Ga., to Boston, a distance of 1,240 miles; the shorter being included within the longer haul, over the same line in the same direction. Also, that defendants charge the same rate on lumber in car-loads from Macon, Ga., to Boston, a distance of 1,328 miles, that they charge from Johnson City, the shorter being included within the longer haul over the same line in the same direction.

Feb. 18, 1889. Complaint filed.

Feb. 28 to Mar. 13, 1889. Answers filed.

Mar. 18, 1889. Case assigned for hearing April 30, 1889.

Mar. 29, 1889. Case re-assigned for hearing May 2, 1889, by consent of parties.

Apr. 2, 1889. Depositions filed by complainants.

May 2, 1889. Hearing had. Argument for complainants filed.

Opinion by Morrison, Commissioner (3 I. C. C. Rep., 225).

Defendants ordered to cease and desist from charging and receiving any greater compensation for the transportation of lumber in car-loads for the shorter than for the longer distance, in the same direction, the shorter being included within the longer distance over their line from Atlanta, Ga., and Johnson City, Tenn., to Boston, Mass. Further ordered that the rate charged by defendants on lumber in car-loads from Johnson City, Tenn., to Boston, Mass., must not exceed 33 cents per hundred pounds, that being the rate in effect over other lines from points in neighboring territory to the same destination.

174. In the Matter of an Investigation respecting the Transportation of Grain from western points to Baltimore over the Baltimore and Ohio Railroad and the Pennsylvania Railroad and their connecting lines.

Feb. 14, 16, 1889. Hearing and investigation at Baltimore, Md.

175. Board of Trade of the City of Chicago *v.* Chicago and Alton Railroad Company; Chicago, Burlington and Quincy Railroad Company; Chicago, Milwaukee and St. Paul Railway Company; Chicago, Rock Island and Pacific Railway Company; Chicago, St. Paul and Kansas City Railroad Company; Chicago, Santa Fé and California Railway Company; Illinois Central Railroad Company; John McNulta, receiver of the Wabash Railway Company; Chicago and North-Western Railway Company.

Complaint alleges that defendants charge a much greater compensation for services rendered in the transportation of live hogs from Kansas City, Leavenworth, Atchison, Omaha, Council Bluffs and Sioux City, or from some of said cities and from points east thereof, than for like and contemporaneous services rendered in the transportation of packing-house products and thereby discriminate against the packing-house interests of Chicago; that the practice of charging higher rates to Chicago upon the raw material than upon the manufactured product gives undue and unreasonable preference and advantage to the Western packing interests, and further, that the rates upon live hogs in car-loads should not exceed 72 per cent. of the rates on pork products in car-loads.

Feb. 27, 1889. Complaint filed.

Mar. 12, 1889, to Apr. 13, 1889. Answers filed.

Mar. 21, 1889. Petition for leave to intervene as parties defendant and file answers to the complaint herein filed by The Armour Packing Company; George Fowler & Son; Kingan & Co., limited; Jacob Dold Packing Company; Morrison

Packing Company ; Allcutt Packing Company ; Kansas City Packing Company.

*Ordered*, That the said petition be granted and that said new defendants file their answers, within twenty days.

Mar. 21, 1889. Petition for leave to intervene as parties defendant and file answers to the complaint herein filed by: The Des Moines Packing Company, William Ellsworth, Kaakinson & Co., James E. Booge & Sons, Silberhorn & Co., Mackeown & Sons, L. B. Doud & Co., Brittain & Co., John Morrell & Co., limited, T. M. Sinclair & Son, William Ryan & Son, Coey & Co.; and the Board of Railroad Commissioners of the State of Iowa, filed.

*Ordered*, That said petition be granted, and that the Board of Railroad Commissioners of Iowa be also allowed to intervene and file answer to the complaint, and that the joint answer of the said intervenors now presented be filed.

Mar. 21, 1889. Joint answer of Des Moines Packing Company, William Ellsworth, Haakinson & Co., James E. Booge & Sons, Silberhorn & Co., Mackeown & Sons, L. B. Doud & Co., Brittain & Co.; John Morrell & Co., limited; T. M. Sinclair & Co.; William Ryan & Son; Coey & Co., and the Board of Railroad Commissioners of the State of Iowa, filed.

Apr. 9, 1889. Joint answer of Armour Packing Company, George Fowler & Sons; Kingan & Co., limited; Jacob Dold Packing Company, Morrison Packing Company, Allcutt Packing Company, and Kansas City Packing Company, filed.

Apr. 15, 1889. Case assigned for hearing at Kansas City, Mo., May 8, 1889, and at the Palmer House, Chicago, Ill., May 9, 1889.

Apr. 18, 1889. Hearing postponed to the last of May or early part of June at a day to be hereafter named.

May 10, 1889. Case assigned for hearing at the Palmer House, Chicago, May 27, 1889, and at the Peabody House, Kansas City, Mo., May 31, 1889.

May 27, 1889. Hearing had and continued to Kansas City, Mo., as per notice given.

May 31, 1889. Hearing had. Parties allowed to take and file additional testimony.

Aug. 1, 1889. Case assigned for oral argument at Washington, October 26, 1889, and counsel allowed to file written agreements of submission on that date.

Aug. 8, 1889. Depositions on behalf of complainant filed.

Aug. 8, 1889. Notice of receiver of Wabash Railway Company, regarding submission of case, filed.

Aug. 8, 1889. Notice of Chicago, St. Paul and Kansas City Railway Company of its written agreement to submit case on October 26.

Aug. 16, 1889. Depositions filed on behalf of intervenors.

Aug. 16, 1889. Notice of Illinois Central Railroad Company, of submission of case on its part on the pleadings and evidence.

Sept. 11, 1889. Amendment to complaint filed as allowed on hearing at Chicago.

Oct. 26, 28, 29, 1889. Hearing of argument had. Briefs filed for petitioner, Iowa Pork Packers, intervenors, and Kansas City Pork Packers, intervenors. Case submitted.



Nov. 4, 1889. Proposed findings of fact submitted by petitioner, filed.

Nov. 21, 1889. Reply brief for Iowa Pork Packers, intervenors, filed.

Dec. 1, 1889. Case under advisement by the Commission.

176. In the Matter of Export Rates by Trunk Line Carriers.

Mar. 8, 1889. *Ordered*, That a notification be sent to each of the railway carriers comprising what is known as the Trunk Line Association to appear before the Inter State Commerce Commission, in the city of Washington, on Saturday, the 16th day of March, 1889, at 10 o'clock of said day, for the purpose of fully and particularly setting forth and showing what their export rates are, and how these export rates are made by each of them, and also for the purpose of giving each of said carriers an opportunity to be heard concerning the manner of making and publishing said rates in order to comply with the provisions of an act to regulate commerce, approved February 4, 1887, as amended by an act to amend said act, approved March 2, 1889.

Mar. 11, 1889. Order sent to each carrier belonging to the Trunk Line Association.

Mar. 16-18. Hearing had. (*See* No. 130, 3 I. C. C. Rep., 137. Also page 66 of this Report.)

177. *Wojta Stransky v. Chicago and North-Western Railway Company; Fremont, Elkhorn and Missouri Valley Railway Company.*

Complaint alleges that defendant's former rates of 84 cents per 100 pounds for the transportation of beer in barrels or kegs in car-load lots from Milwaukee, Wis., to Chadron, Nebr., was unjust and unreasonable; that on or about February 1, 1889, said rate was advanced to 94 cents per 100 pounds; that a reasonable rate for such transportation would be 70 cents per 100 pounds.

Mar. 14, 1889. Complaint filed.

Apr. 18, 1889. Joint answer filed.

May 10, 1889. Case assigned for hearing at the Palmer house, Chicago, Ill., May 28, 1889.

May 28, 1889. Hearing called. No appearance by complainant. Defendant consenting thereto, the hearing was postponed indefinitely.

178. *Abiel Leonard v. Chicago and Alton Railroad Company.*

Complaint alleges that defendant's rate of 24 cents per 100 pounds on cattle in car-loads of 20,000 pounds transported from Mount Leonard, Mo., to Chicago, is unjust and unreasonable; that defendant's new system of weighing cattle in its own time and way at Chicago often causes such delay as to prevent the necessary feeding and watering of cattle after unloading in time to place them on the market in proper shape, thereby causing a great disadvantage to the shipper; that defendant's former reasonable practice was to charge for cattle by the car-load, allowing twenty head of cattle to the car.

Mar. 14, 1889. Complaint filed.

- Mar. 18, 1889. Copy complaint and notice to answer sent carrier.
- Mar. 18, 1889. Notice sent complainant.
- Apr. 8, 1889. Answer filed.
- Apr. 9, 1889. Case assigned for hearing May 6, 1889, 3 p. m., at Jefferson City, Mo.
- Apr. 18, 1889. Hearing postponed to the last of May or the early part of June, at a day to be named hereafter.
- Apr. 20, 1889. Petition for leave to file amended answer filed. Leave granted, answer to be filed within fifteen days.
- May 4, 1889. Amended answer filed.
- May 10, 1889. Case assigned for hearing at the court-house, Jefferson City, Mo., May 29, 1889, 12 m. Replication filed.
- May 29, 1889. Hearing had. Briefs to be filed and oral argument to be presented if desired.
- July 2, 1889. Brief for complainant filed.
- Aug. 15, 1889. Brief for defendant filed.

Opinion by Cooley, Chairman. (3 I. C. C. Rep., 241.)

*Held*, That it was not unlawful for defendant to prescribe a minimum weight for a car-load of live cattle and charge by the hundred pounds in proportion to the car-lot rate for any excess over the minimum. Case retained for further showing by complainant on the question whether the rates charged were reasonable.

179. *Logan B. Chappelle v. Chicago and Alton Railroad Company.*

Complaint alleges that defendant's rates of 24 cents per 100 pounds on cattle in car loads from Mount Leonard, Mo., to Chicago is unjust and unreasonable, and largely increases the car-load rate of \$50 per car, which was ample and had been in force between said points for the past ten years.

- Mar. 14, 1889. Complaint filed.
- Mar. 18, 1889. Copy complaint and notice to answer sent carriers.
- Mar. 18, 1889. Notice sent complainant.
- Apr. 8, 1889. Answer filed.
- Apr. 9, 1889. Case assigned for hearing May 6, 1889, 3 p. m., at Jefferson City, Mo.
- Apr. 18, 1889. Hearing postponed to the last of May or the early part of June, at a day to be hereafter named.
- Apr. 20, 1889. Petition for leave to file amended answer filed. Leave granted to be filed within fifteen days.
- May 4, 1889. Amendment to answer filed.
- May 10, 1889. Case assigned for hearing at the court-house, Jefferson City, Mo., May 29, 1889, 12 m. Notices sent parties. Replication filed.
- May 29, 1889. Hearing had. Briefs to be filed and oral argument to be presented if desired.
- July 2, 1889. Brief for complainant filed.
- Aug. 15, 1889. Brief for defendant filed.

Opinion by Cooley, Chairman. (3 I. C. C. Rep., 241.)

Same disposition as of No. 178.

180. *New Orleans Cotton Exchange v. Illinois Central Railroad Company.*

Complaint alleges that defendant charges unjust and unreasonable rates for hauling cotton from the towns and stations

along its lines in the cotton producing region to New Orleans, and especially from Parsons and Aberdeen, Miss., and intervening stations to New Orleans; that defendant unjustly discriminates in rates in favor of persons shipping cotton north and east cotton-producing region and from Memphis to New Orleans, as against shippers from Aberdeen, Parsons, Wickliffe and intervening stations south to New Orleans; that it gives unreasonable preference and advantage to Lowell, Boston, New York City and other eastern points, and subjects New Orleans to undue prejudice and disadvantage in the transportation of cotton.

Mar. 18, 1889. Complaint filed.

Apr. 8, 1889. Answer filed.

Apr. 22, 1889. Supplemental petition filed adding the following carriers as parties defendant:

Michigan Central Railroad Company; Boston and Albany Railroad Company; Canada Southern Railroad Company; New York Central and Hudson River Railroad Company; Terre Haute and Indianapolis Railroad Company; Pennsylvania Company; Pennsylvania Railroad Company; Indianapolis and St. Louis Railway Company; Lake Shore and Michigan Southern Railroad Company; Cleveland, Columbus, Cincinnati and Indianapolis Railway Company; Chicago and Grand Trunk Railway Company; Central Vermont Railroad Company; Cheshire Railroad Company; Chicago and Atlantic Railway Company; New York, Pennsylvania and Ohio Railroad Company; New York, Lake Erie and Western Railroad Company.

May 9, 1889, to June 7, 1889. Answers of additional defendants filed.

May 20, 1889. Case assigned for hearing at Washington, June 25, 1889.

June 25, 26, 27, 1889. Hearing had.

July 8, 1889. Brief for complainant filed.

Oct. 21, 1889. Statement for Illinois Central Railroad filed.

Nov. 6, 1889. Reply brief for complainant filed.

Dec. 1, 1889. Case under advisement by the Commission.

# 181. In the Matter of Export Rates by Southern and Southwestern Railway Carriers.

Mar. 18, 1889. *Ordered*, That a notification be sent to each of the railway carriers named below to appear before the Interstate Commerce Commission in the city of Washington on Tuesday, April 2, 1889, at 10 o'clock a. m. of said day, for the purpose of fully and particularly setting forth and showing what their export rates are, and how these export rates are made by each of them, and also for the purpose of giving each of said carriers an opportunity to be heard concerning the manner of making and publishing said rates in order to comply with the provisions of an act to regulate commerce, approved February 4, 1887, as amended by an act to amend said act, approved March 2, 1889.

Louisville and Nashville Railroad Company; Cincinnati, New Orleans and Texas Pacific Railway Company; Alabama Great Southern Railway Company; New Orleans and North-



eastern Railroad Company; Vicksburg and Meridian Railroad Company; Vicksburg, Shreveport and Pacific Railroad Company; Western and Atlantic Railroad Company; Central Railroad Company of Georgia; Western Railway of Alabama; Atlanta and West Point Railroad Company; Georgia Railroad Company; East Tennessee, Virginia and Georgia Railway Company; Chattanooga, Rome and Columbus Railroad Company; Atlantic and North Carolina Railroad Company; Norfolk and Western Railroad Company; Atlantic Coast Line; Seaboard and Roanoke Railroad Company; Richmond and Danville Railroad Company; Mobile and Ohio Railroad Company; Illinois Central Railroad Company; Newport News and Mississippi Valley Company; Chesapeake, Ohio and Southwestern Railway Company; Louisville, New Orleans and Texas Railway Company; Cape Fear and Yadkin Valley Railway Company; Savannah, Florida and Western Railway Company; Florida Railway and Navigation Company; South Carolina Railway Company; Chesapeake and Ohio Railway Company; Southern Pacific Company; Texas and Pacific Railway Company; Gulf, Colorado and Santa Fé Railway Company; Mexican National Railroad Company; International and Great Northern Railroad Company; Brunswick and Western Railroad Company; Kansas City, Memphis and Birmingham Railroad Company; Kansas City, Fort Scott and Memphis Railroad Company; Missouri Pacific Railway Company; St. Louis Iron Mountain and Southern Railway Company.

Apr. 2, 1889. Hearing had.

(See page 67 of this Report.)

182. In the Matter of Passenger Tariffs.

Conference, requested by the vice-chairman of the Central Traffic Association, acting on behalf of the general passenger agents of various railroad companies, directed to be held at the office of the Commission in Washington, D. C., on March 21, 1889.

Mar. 21, 1889. Conference held.

Mar. 27, 1889. Memorandum filed. (2 I. C. C. Rep., 649.)

183. New Orleans Cotton Exchange *v.* Louisville, New Orleans and Texas Railroad Company.

Complaint alleges that defendant, by establishing through rates on cotton from Memphis to Liverpool via the port of New Orleans, which are much less than the sum of the local rate from Memphis to New Orleans plus the current ocean rate from New Orleans to Liverpool, unjustly discriminates against the export cotton trade of New Orleans in favor of the export trade of Memphis.

Mar. 26, 1889. Complaint filed

Apr. 20, 1889. Answer filed.

May 20, 1889. Case assigned for hearing at Washington June 25, 1889.

June 25, 1889. Hearing called and continued to June 27.

June 27, 1889. Hearing had.

July 3, 1889. Brief for defendant filed.

Dec. 1, 1889. Case under advisement by the Commission.

184. *George Rice v. Cincinnati, Washington and Baltimore Railroad Company; Cincinnati, Indianapolis, St. Louis, and Chicago Railway Company; Chicago, Rock Island and Pacific Railway Company; Union Pacific Railway Company; Central Pacific Railroad Company.*

Complaint alleges that defendants' rates on petroleum oil from common points east of the ninety-seventh meridian to Pacific coast points are unjust and unreasonable; that defendants charge petitioner for the weight of barrel packages, but make no charge to shippers affiliated to the Standard Oil Trust for the weight of longitudinal tanks mounted on trucks, or of two uprights tanks transported in box cars, and refuse to furnish tank cars of either description to complainant, thereby giving undue preference to such Standard Oil Trust shippers and to shipments of oil by tanks over complainant and others shipping oil in wooden barrels. The complaint further charges that defendants return such tanks and tank cars free to said affiliated shippers, and in many instances pay ear mileage thereon.

Mar. 26, 1889. Complaint filed.

April 18, 1889, to May 4, 1889. Answers filed.

April 18, 1889. *Ordered*, That the pendency of this proceeding be made known to the various railway carriers of the country, and that each of them be furnished a copy of the complaint upon prompt application therefor, and that they have leave to intervene and be heard if they so desire.

April 22, 1889. Copy of order as printed sent to each carrier therein named and to the parties.

May 2, 1889. Notice of intervention filed by New York, Chicago and St. Louis Railroad Company, S. B. Williams counsel.

May 6, 1889. Statement filed by Western and Atlantic Railroad Company, intervenor.

May 20, 1889. Case assigned for hearing at Washington, D. C., June 18, 1889.

May 24, 1889. Statement filed by companies composing the associated railways of Virginia and the Carolinas, intervenors.

June 13, 1889. Hearing continued at petitioner's request until after the summer vacation.

June 20, 1889. Application of complainant for writs of subpœna *duces tecum* filed.

June 29, 1889. Case assigned for hearing October 10, 1889.

July 12, 1889. Application amended by complainant.

July 20, 1889. *Ordered*, That for the present the above application be denied.

July 25, 1889. *Ordered*, That complainant have leave to withdraw his application for writs of subpœna *duces tecum* and substitute another in lieu thereof for writs directed to the same witnesses and corporations.

July 25, 1889. Original application withdrawn and substitute filed.

Opinion by Bragg, Commissioner, on the application of petitioner for subpœnas *duces tecum*. (3 I. C. C. Rep., 186.)

Application denied.

October 21, 1889. Hearing postponed at petitioner's request to November 19, 1889.

October 21, 1889. Hearing further postponed by agreement of parties to December 10, 1889.

185. *George Rice v. Cincinnati, Washington and Baltimore Railroad Company; Ohio and Mississippi Railway Company; St. Louis and San Francisco Railway Company; Atchison, Topeka and Santa Fé Railroad Company; Atlantic and Pacific Railroad Company; Southern Pacific Company.*

Complaints alleges same as complaint in 184.

Mar. 26, 1889. Complaint filed.

Apr. 18 to May 4, 1889. Answers filed.

Apr. 18, 1889. *Ordered*, That the pendency of this proceeding be made known to the various railway carriers of the country, and that each of them be furnished a copy of the complaint on prompt application therefor, and that they have leave to intervene and be heard if they so desire.

Apr. 22, 1889. Copy of order as printed sent to the carriers therein named and to the parties.

Apr. 19, 1889. Answer of Union Pacific Railway Company, intervening defendant, filed. (For notices of intervention, see No. 184.)

May 20, 1889. Case assigned for hearing at Washington, June 18, 1889.

June 13, 1889. Hearing continued at petitioner's request until after the summer vacation. (For proceedings on petitioner's application for subpoenas *duces tecum*, see No. 184.)

June 29, 1889. Case assigned for hearing October 10, 1889.

Oct. 2, 1889. Hearing postponed at petitioner's request to November 19, 1889.

Oct. 21, 1889. Hearing further postponed by agreement of parties to December 10, 1889.

186. *In the Matter of the Tariffs of the Grand Trunk Railway of Canada.*

Information having been lodged with the Commission that the Grand Trunk Railway of Canada has been and is violating the act to regulate commerce by granting rebates on traffic taken and carried by it from points in the United States to points in Canada and by charging less than its published tariff rates on such traffic: *Ordered*, That the said the Grand Trunk Railway of Canada be notified to appear before the Interstate Commerce Commission on the 4th day of April, 1889, at 10 o'clock a. m. of said day, to submit to such investigation concerning all the matters aforesaid as may be made by the Commission.

Mar. 26, 1889. Copy of order sent to the respondent carrier and to the persons in said order named, to wit: Joseph Hickson, general manager, Montreal, Canada; J. W. Lond, general freight agent of through traffic, Detroit, Mich.; A. H. Harris, assistant general freight agent of through traffic, Buffalo, N. Y.; H. B. Ledyard, president Michigan Central Railroad Company, Detroit, Mich.

Apr. 4, 1889. Hearing and investigation had.

Apr. 15, 1889. Brief for respondent filed.

Opinion by Schoonmaker, Commissioner (3 I. C. C. Rep., 89).



*Ordered*, That the respondent, the Grand Trunk Railway Company of Canada, do wholly and immediately cease and desist from charging and collecting less than its established and published rates and charges at the time in force for the transportation of coal from Buffalo, Black Rock, and Suspension Bridge, in the State of New York and within the United States, to the city of Hamilton and other points in the Dominion of Canada.

187. Charles H. Brownell *v.* Columbus and Cincinnati Midland Railroad Company.

Complaint alleges that defendant's rate on eggs in car-loads from Washington Court-House, Ohio, to New York, is excessive and unreasonable, and that in refusing to make a car-load classification rate on eggs, while sugar, starch, coffee, celery, soap, oranges, pumpkins, squash, etc., are so classified, is discrimination against shippers of eggs.

Mar. 29, 1889. Complaint filed.

Apr. 22, 1889. Answer filed.

May. 10, 1889. Case assigned for hearing at the Boody House, Toledo, Ohio, May 24, 1889.

May 24, 1889. Hearing had. Parties allowed to take and file additional testimony. Hearing of argument to be had on a day to be named.

July 11-Aug. 3, 1889. Arguments filed.

Sept. 3, 1889. Case assigned for hearing at United States court-room, Indianapolis, Ind., September 17, 1889.

Sept. 17, 1889. Hearing continued. Defendant not represented. Case to be submitted on receipt of answers to questions to be transmitted to defendant.

Sept. 30, 1889. Answers to complainant's questions filed.

Dec. 1, 1889. Case under advisement by the Commission.

188. Toledo Produce Exchange; Detroit Board of Trade; Cleveland Board of Trade *v.* Lake Shore and Michigan Southern Railway Company; Michigan Central Railroad Company; New York Central and Hudson River Railroad Company; Boston and Albany Railroad Company.

Complaint alleges that the differentials charged by defendants from all western points to Boston and Boston points over the rates charged from such western points to New York, namely, 5 cents per 100 pounds on the third, fourth, fifth and sixth classes, and 10 cents on first and second classes, is unjust and unreasonable; that while such differentials are charged from all points west of Buffalo, the New York Central line and all other roads leading from Buffalo only charge a differential from Buffalo to Boston and Boston points of 2½ cents per 100 pounds above the rate from Buffalo to New York on goods below the second class. The complaint further alleges that the differentials are also varied at other points.

Apr. 1, 1889. Complaint filed.

Apr. 26, 1889, to May 4, 1889. Answers filed.

Apr. 10, 1889. Case assigned for hearing at the Boody House, Toledo, Ohio, May 24, 1889.

May 24, 1889. Hearing called. No evidence presented. Amendment of complaint allowed. Detroit Board of Trade withdrew from the case.

June 7, 1889. Amended complaint filed.

June 10, 1889. Argument and points of petitioner in the case of *The Boston Chamber of Commerce v. The Lake Shore and Michigan Southern Railway Company, et al.*, filed by complainants in this case as a part of their argument.

June 24, 1889, to July 12, 1889. Answers to amended complaint filed.

Aug. 26, 1889. Replication filed.

Sept. 3, 1889. Case assigned for hearing at the Palmer House, Chicago, Ill., September 30, 1889.

Sept. 30, 1889. Hearing called. Case submitted on the papers on file.

Dec. 1, 1889. Case under advisement by the Commission.

189. *Merchants' Union of Spokane Falls v. Northern Pacific Railroad Company.*

Complaint alleges that defendant has in force along its line a classification of freights and schedule of rates from its eastern terminus to its western terminus and intermediate stations; that defendant as a member of the Trans-continental Association has established a tariff of commodity rates to Pacific coast terminal points, lower than the rates named in its said line schedule, which is likewise in force on all trans-continental lines, and includes more than 95 per cent. of the articles enumerated in said classification; and that by reason of defendant's giving such commodity rates to Pacific coast points it subjects Spokane Falls to undue prejudice and gives unreasonable preference to the cities of Portland, Tacoma, Genesee, Missoula and Ellensburg; and also violates the provisions of the fourth section of the act to regulate commerce.

Apr. 2, 1889. Complaint filed.

Apr. 24, 1889. Answers filed.

Oct. 25, 1889. Case assigned for hearing December 17, 1889.

190. *Fort Worth Ice Company; Corsicana Ice and R. Company; Denison Crystal Ice Company; Laredo Ice Factory; Texarkana Ice Company; Richardson's Ice Works; Dallas Ice Factory v. Missouri Pacific Railway Company; Texas and Pacific Railway Company; Gulf, Colorado and Santa Fé Railway Company; Fort Worth and Denver City Railway Company.*

Complaint alleges that defendants rate on ice of \$65 per car-load of 15 to 20 tons from Hannibal and St. Louis, Mo., and Quincy, Ill., to Dallas and Fort Worth, Tex., which is virtually 15 cents per 100 pounds, while corn is charged 48 cents, flour 55 cents, potatoes 60 cents, and ammonia (largely used by complainants in the manufacture of ice) \$1.20 per 100 pounds, respectively, such car-load shipments of ice being also given time preference over other ordinary freight is greatly disproportionate in comparison to said rates on corn, flour, potatoes and ammonia, and said ice rate unjustly discriminates against complainants business of manufacturing ice and selling the same, to their great damage and loss.

Apr. 16, 1889. Complaint filed.

May 7-14, 1889. Answers filed.

May 20, 1889. Case assigned for hearing at Washington, D. C., June 14, 1889.

June 14, 1889. Hearing called. The Texas and Pacific Railway Company, granted leave to amend its answer. Complainants given leave to add as parties defendant, the Missouri, Kansas and Texas Railway Company; St. Louis, Keokuk and Northwestern Railway Company; Quincy, Omaha and Kansas City Railway Company; Chicago, Santa Fé and California Railway Company; and Atchison, Topeka and Santa Fé Railroad Company, and such others as they may be advised are necessary.

Hearing postponed until after the complaint has been amended.

July 1, 1889. Remonstrance filed by the Anheuser-Busch Brewing Association of St. Louis, Mo., against granting the prayer of the petition.

Aug. 15, 1889. Application for dismissal of complaint filed by petitioners.

Aug. 15, 1889. *Ordered*, That complaint be dismissed.

191. In the Matter of Free Passes and Free Transportation.

Boston and Albany Railroad Company; Boston and Maine Railroad Company; Baltimore and Ohio Railroad Company; Buffalo, Rochester and Pittsburgh Railroad Company; the Central Railroad Company of New Jersey; Central Vermont Railroad Company; Delaware and Hudson Canal Company; Delaware, Lackawanna and Western Railroad Company; Fitchburg Railroad Company; Grand Trunk Railway Company; Lehigh and Hudson River Railway Company; Lehigh Valley Railroad Company; Maine Central Railroad Company; New York and New England Railroad Company; New York Central and Hudson River Railroad Company; New York, Lake Erie and Western Railroad Company; New York, New Haven and Hartford Railroad Company; New York, Ontario and Western Railroad Company; New York, Philadelphia and Norfolk Railroad Company; New York, Providence and Boston Railroad Company; New York, Susquehanna and Western Railroad Company; Pennsylvania Railroad Company; Philadelphia and Reading Railroad Company; Providence and Worcester Railroad Company; Rome, Watertown and Ogdensburg Railroad Company; Western New York and Pennsylvania Railroad Company; West Shore Railroad Company.

Apr. 16, 1889. *Ordered*, That the above named carriers appear before the Interstate Commerce Commission on the 3d of May, 1889, 10 o'clock a. m., then and there to answer and set forth the persons and classes of persons, if any, to whom each of them, respectively, have issued passes or free transportation to persons other than its own officers and employés, and the officers and employés of other railroad companies, and all the conditions and limitations connected therewith in each instance, and how they do this branch of their business. As it is intended to make this investigation full and complete, each of said carriers will save time and expense by bringing



with it from its records a true and correct list of the names of all persons, if any, to whom it has issued free passes or free transportation, who are not its own officers and employes, or the officers and employes of other railroad companies, between November 1, 1888, and the time of such investigation, if any of them have done such business, with an explanation as to how and why this was done in each instance; and each of such carriers will be expected and required to present such a list as aforesaid for the purpose of said investigation and to verify the same by proper proof; and the said investigation will relate to the details of all this kind of business as done by each of said carriers.

Apr. 17, 1889. Copies of the foregoing order sent to said above named carriers.

May 3, 1889. Hearing and investigation had.

*(See page 9 of this report.)*

192. In the Matter of Commissions on the Sale of Tickets.

Burlington, Cedar Rapids and Northern Railway Company; Chicago and Alton Railroad Company; Chicago, Burlington and Quincy Railroad Company; Chicago, Burlington and Northern Railroad Company; Chicago, Burlington and Kansas City Railway Company; Chicago, Kansas and Nebraska Railway Company; Chicago, Milwaukee and St. Paul Railway Company; Chicago and North-Western Railway Company; Chicago, Rock Island and Pacific Railway Company; Chicago, Santa Fé and California Railway Company; Chicago, St. Paul and Kansas City Railway Company; Chicago, St. Paul, Minneapolis and Omaha Railway Company; Wisconsin Central Railroad Company; Chicago and Atlantic Railway Company; Chicago and Grand Trunk Railway Company; Detroit, Grand Haven and Milwaukee Railway Company; Detroit, Lansing and Northern Railroad Company; Flint and Pere Marquette Railroad Company; Illinois Central Railroad Company; Lake Shore and Michigan Southern Railway Company; Louisville, New Albany and Chicago Railway Company; Michigan Central Railroad Company; New York, Chicago and St. Louis Railroad Company; Pittsburgh, Fort Wayne and Chicago Railway Company; Wabash Railway Company; Wabash Western Railway Company.

Apr. 16, 1889. *Ordered*, That the above-named carriers appear before the Interstate Commerce Commission on the 7th of May, 1889, 10 o'clock a. m., then and there to answer and set forth what commissions, if any, each of them pays upon the sale of passenger tickets, and to whom and how this business is conducted by each of them.

Apr. 17. Copy of the foregoing order sent to each of the above-named carriers.

May 3-7. Answers filed.

May 7. Hearing and investigation held.

*(See page 13 of this report.)*

193. In the Matter of Trackage and Car Mileage.

Burlington, Cedar Rapids and Northern Railway Company; Chicago and Alton Railroad Company; Chicago, Burlington and

Quincy Railroad Company; Chicago, Burlington and Northern Railroad Company; Chicago, Burlington and Kansas City Railway Company; Chicago, Kansas and Nebraska Railway Company; Chicago, Milwaukee and St. Paul Railway Company; Chicago and North-Western Railway Company; Chicago, Rock Island and Pacific Railroad Company; Chicago, Santa Fé and California Railway Company; Chicago, St. Paul and Kansas City Railway Company; Chicago, St. Paul, Minneapolis and Omaha Railway Company; Wisconsin Central Railroad Company; Chicago and Atlantic Railway Company; Chicago and Grand Trunk Railway Company; Detroit, Grand Haven and Milwaukee Railroad Company; Detroit, Lansing and Northern Railroad Company; Flint and Péré Marquette Railroad Company; Illinois Central Railroad Company; Lake Shore and Michigan Southern Railway Company; Louisville, New Albany and Chicago Railway Company; Michigan Central Railroad Company; New York, Chicago and St. Louis Railroad Company; Pittsburgh, Fort Wayne and Chicago Railway Company; Wabash Railway Company; Wabash Western Railway Company.

Apr. 16, 1889. *Ordered*, That the above-named carriers appear before the Interstate Commerce Commission on the 8th of May, 1889, 10 o'clock a. m., then and there to answer and set forth what allowance, if any, each of them pays for trackage, and to whom in each instance and how this is done, and what allowance, if any, each of them pays for different classes of cars furnished by shippers, car companies, individuals, or connecting lines, and how this business is conducted and done by each of them, and as to what is a fair and just allowance for such different classes of cars.

Apr. 17. Copy of the foregoing order sent to each of the above-named carriers.

May 3-7. Answers filed.

May 8. Hearing and investigation held.

June 17. Circular of this date sent to each carrier named in the order of notice who failed to file answer in response thereto.

July 5 to October 7, 1889. Replies to foregoing circular filed.

*(See page 15 of this report.)*

#### 194. George Rice v. Louisville and Nashville Railroad Company.

Complaint alleges that defendant's rates on coal oil between stated points are unjust and unreasonable; that defendant's rates on cotton-seed oil and turpentine, respectively, and on coal oil make and give an undue and unreasonable preference or advantage to the traffic in cotton-seed oil and turpentine over the traffic in coal oil; that the defendant's rates on coal oil make and give an undue and unreasonable preference and advantage to the traffic of coal oil in tank cars over the same traffic in barrel packages, and also give like preference to the Standard Oil Company, of Kentucky, the Standard Oil Company, of Ohio, the Camden Consolidated Oil Company, of West Virginia, and other shippers affiliated to the Standard Oil Trust, over complainant, to his unreasonable prejudice and disadvantage; that defendant's rates between points named in the complaint are in contravention of the fourth

section of the act, and that defendant's refusal to furnish tank cars is in contravention of the third section of the act.

Apr. 27, 1889. Complaint filed.

Apr. 27, 1889. *Ordered*, That the pendency of this proceeding be made known to the various railway carriers of the country, and that each of them be furnished a copy of the complaint on prompt application therefor, and that they have leave to intervene and be heard if they so desire.

Apr. 29, 1889. Copy of order as printed sent to each carrier therein named and to the parties.

May 20, 1889. Case assigned for hearing at Washington, June 18, 1889.

May 27, 1889. Notice of intervention filed by Cincinnati, New Orleans and Texas Pacific Railway Company, and associated Companies.

May 27, 1889. Answer filed.

June 13, 1889. Hearing continued at petitioner's request until after the summer vacation. (For proceedings on petitioner's application for subpoenas *duces tecum* see No. 184.)

June 24, 1889. Intervening joint answer of Cincinnati, New Orleans and Texas Pacific Railway Company, Alabama Great Southern Railroad Company, New Orleans and North-eastern Railroad Company, Alabama and Vicksburg Railway Company, and Vicksburg, Shreveport and Pacific Railroad Company, filed.

June 29, 1889. Case assigned for hearing October 10, 1889.

Aug. 12, 1889. Order entered directing the order of April 27, 1889, sent to additional railroad companies.

Aug. 13, 1889. Order granted allowing complainant to amend the petition in this proceeding. Amendment filed.

Aug. 14, 1889. Copies of above orders served.

Oct. 2, 1889. Hearing postponed at petitioner's request to November 19, 1889.

Oct. 21, 1889. Hearing further postponed by agreement of parties to December 10, 1889.

195. New Orleans Cotton Exchange v. Cincinnati, New Orleans and Texas Pacific Railway Company; Alabama Great Southern Railway Company; New Orleans and North-eastern Railroad Company; Vicksburg and Meridian Railroad Company; Vicksburg, Shreveport and Pacific Railroad Company; Cincinnati, Hamilton and Dayton Railroad Company; Cincinnati, Washington and Baltimore Railroad Company; Cleveland, Columbus, Cincinnati and Indianapolis Railway Company; Pittsburgh, Cincinnati and St. Louis Railway Company.

Complaint alleges that defendants above named, composing the "Queen and Crescent Route," charge unjust and unreasonable rates for handling cotton from Meridian, Miss., and stations on its lines north and south thereof, to New Orleans; that said defendants unjustly discriminate in rates in favor of persons shipping cotton north and east from the cotton-producing region as against shippers from said region to New Orleans; and that unreasonable preference and advantage is given by the defendants to shipments of cotton to Lowell, Boston, New York and other eastern points to the undue prejudice and disadvantage of New Orleans.



May 4, 1889. Complaint and amended complaint filed.

May 20, 1889. Case assigned for hearing at Washington, June 25, 1889.

May 28-June 7, 1889. Answers filed.

June 5, 1889. Application of the Planters' Compress Company and the Cotton Exchange of Meridian, Miss., filed for leave to intervene and file answer; application granted.

June 17, 1889. Answer of Meridian Board of Trade, intervenor, filed.

June 24, 1889. Depositions filed on behalf of defendants.

June 25, 26, 27, 1889. Hearing had.

July 8, 1889. Brief for complainants filed.

Dec. 1, 1889. Case under advisement by the Commission.

196. Maj. J. P. Sanger, Inspector-General U. S. Army, *v.* Southern Pacific Company, Lessee, Central Pacific Railroad and Union Pacific Railroad Company.

Complaint alleges an overcharge to complainant for three and one-half tickets for his family from San Francisco, two and one-half tickets to Fort Leavenworth, and one ticket to New York, as follows: Complainant as an army officer presented his transportation request to the agent of the Central Pacific and ascertained the through fares to the above destination for his family, but was refused tickets beyond Ogden, and the agent assured him that he would receive proportionate rates over the Union Pacific from that point, but on applying for the same at Ogden he was obliged to pay a considerable sum above those rates for such tickets and by reason of such overcharge and of such refusal to sell him through tickets, the complainant claims to have been defrauded of the sum of \$73.90.

Apr. 27, 1889. Complaint filed.

May 8, 1889. Answer of Union Pacific Railway Company filed.

May 10, 1889. Case assigned for hearing at the Peabody House, Kansas City, Mo., May 31, 1889.

May 11, 1889. Notice sent Southern Pacific Company, lessee of Central Pacific Railroad, to appear and answer the complaint at the bearing.

May 11, 1889. Notices sent other parties.

May 31, 1889. Hearing had.

Opinion by Cooley, chairman. (3 I. C. C. Rep., 134.)

Defendants recommended to refund so much of the charges collected for the transportation from San Francisco to Ogden, and from Ogden eastward, as will leave to each carrier the exact sum it would have received had through tickets been purchased at San Francisco, as the complainant at first proposed.

197. Hezel Milling Company *v.* St. Louis, Alton and Terre Haute Railroad Company.

Complaint alleges that complainant owns flouring mills at East St. Louis, and delivers flour to defendant at its depot in East St. Louis for shipment to southern points; that the same rates per hundred or per barrel is charged as on shipments of like traffic from St. Louis, which defendant transports

from consignors places of business in St. Louis to its receiving depot at East St. Louis free of charge, though East St. Louis is a shorter distance from all points on its line than is St. Louis; that defendant employs transfer wagons or the St. Louis Bridge and Tunnel Railway Company to perform such transportation from St. Louis to its East St. Louis depot, and pays therefor the sum of 4 cents per hundred, or 8 cents per barrel, and also allows such compensation to St. Louis shippers making their own delivery in East St. Louis, but charges full rates to shippers of East St. Louis, thus making a less rate from St. Louis.

May 17, 1889. Complaint filed.

May 27, 1889. Answer filed.

Sept. 3, 1889. Case assigned for hearing at United States courtroom, Indianapolis, September 17, 1889.

Sept. 17, 1889. Application for leave to amend complaint by making the Illinois Central Railroad Company a party defendant filed. Granted. Hearing continued to day to be named after filing of answer of new defendant.

Oct. 3, 1889. Amended complaint formally filed.

Oct. 26, 1889. Answer of Illinois Central Railroad Company filed.

Nov. 4, 1889. Answer of St. Louis, Alton and Terre Haute Railroad Company filed.

198. *R. H. Whitlock v. Baltimore and Ohio Railroad Company; Northwestern Ohio Railroad Company.*

Complaint alleges that box shoos manufactured by him at Tiffin, Ohio, have for several years been classified as sixth class, but that defendants now charge him 4 cents more per hundred pounds for the transportation of box shoos in carloads than on shipments in former years, and refuse to class them as box shoos unless shipped in bundles, terming them box stuff. It further alleges that complainant has to freight lumber to his factory and ship from thence to consignees, and that the two freights now charged exceed net profits, and it prays that his box shoos be ordered classed as formerly, in the sixth class.

May 20, 1889. Complaint filed.

June 5, 1889. Answer of Baltimore and Ohio Railroad Company filed.

June 21, 1889. Supplemental petition filed and a copy forwarded to J. T. Brooks, counsel of Pennsylvania Company, operating the Northwestern Ohio Railroad, at petitioner's request.

June 28, 1889. Answer of Northwestern Ohio Railroad filed by Pennsylvania Company, operating this defendant's road.

Dec. 1, 1889. Negotiations for settlement supposed to be pending.

199. *San Bernardino Board of Trade v. Atchison, Topeka and Santa Fé Railroad Company; Atlantic and Pacific Railroad Company; Burlington and Missouri River Railroad Company; California Central Railroad Company; California Southern Railroad Company; Chicago, Kansas and Nebraska Railway Company; Missouri Pacific Railway Company; St. Louis and San Francisco Railway Company.*

Complaint alleges violations of the fourth section of the act

by charging more for the shorter than for the longer distance on like kinds of property over the same line in the same direction from points on the Missouri River and from St. Louis, Chicago, Cincinnati, Detroit and New York to San Bernardino, Cal., the shorter distance, and Los Angeles, Cal., the longer distance.

May 21, 1889. Complaint filed.

June 7-25, 1889. Answers filed.

Sept. 5, 1889. Depositions on behalf of complainant filed.

Oct. 7, 1889. Deposition of J. S. Leeds on behalf of defendant filed.

Nov. 5, 1889. Case assigned for hearing at Washington December 4, 1889.

Nov. 13, 1889. Brief for complainant filed. Submission of case on the part of complainant filed.

200. *Frederick A. White v. Michigan Central Railroad Company; Lake Shore and Michigan Southern Railway Company.*

Complaint alleges that defendants at various stations on their lines receive wheat from farmers for storage in elevators and shipment therefrom, and that from each load of wheat so delivered defendants deduct and retain toll as follows: The Michigan Central 5 pounds, and the Lake Shore and Michigan Southern the odd pounds, not more than 10 nor less than 5, and the receipt given by defendants shows the weight of the load less such deduction; that such practice is in violation of the act and that defendants should be compelled to cease and desist therefrom. The complaint prays that they be also compelled to refund to complainant the value of wheat so retained from him for the past six years.

May 27, 1889. Complaint filed.

June 19, 1889. Notice for hearing on the complaint filed by Michigan Central Railroad Company.

July 5, 1889. Answer of Lake Shore and Michigan Southern Railway Company filed.

Aug. 11, 1889. Application to amend complaint filed.

Aug. 11, 1889. Ordered that application be filed and determined on the hearing.

Aug. 15, 1889. Depositions on behalf of petitioner filed.

Sept. 3, 1889. Case assigned for hearing at the Palmer House, Chicago, Ill., September 30, 1889.

Sept. 30, 1889. Hearing called. Case submitted.

Dec. 1, 1889. Opinion by Veazey, Commissioner. (3 I. C. C. Rep. —). Petition dismissed without prejudice.

201. *George M. Cooley v. St. Louis, Keokuk and Northwestern Railroad Company; Atchison, Topeka and Santa Fé Railroad Company; Atlantic and Pacific Railroad Company; California Southern Railroad Company; California Central Railway Company.*

Complaint alleges violation of section 4 by defendants in charging more on like kind of property from St. Louis, Mo., to San Bernardino, Cal., than from St. Louis to Los Angeles, Cal., the distance to San Bernardino being shorter than to Los Angeles, and over the same line in the same direction.



June 8, 1889. Complaint filed.

June 10, 1889. Copy complaint and notice to answer sent carriers.

June 10, 1889. Notice sent complainant's counsel.

June 28, 1889. Time to answer of the Atchison, Topeka and Santa Fé Railroad Company extended thirty days.

June 29–Nov. 25, 1889. Answers filed.

202. *John Livingston v. New York, Lake Erie and Western Railroad Company; Wells, Fargo & Co.*

Complaint alleges that, under agreement, Wells, Fargo & Co. control the express business over the line of the New York, Lake Erie and Western Railroad Company, and that, almost daily, packages and letters are "franked" by express over said line with the consent and approbation of said railroad company; that said railroad company receives a moiety of the charges for express freight carried over its tracks, and said charges are unjust and unreasonable; that trains are run in respect to convenience, celerity, and certainty so as to compel shippers to send a large proportion of the most valuable property by express, and the charges in many cases amount to nearly one-half the value of the goods carried; that said railroad company is, and ought to be responsible for such extortionate charges; that the practice of said Wells Fargo & Co. is to do a general banking business through the agents and at the stations of said railroad company, and such practice is illegal.

June 10, 1889. Complaint filed.

July 15–24, 1889. Answers filed.

Sept. 3, 1889. Case set for hearing of testimony at United States court room, New York, N. Y., September 12, 1889.

Sept. 7, 1889. Hearing postponed indefinitely by Commission.

Oct. 25, 1889. Case assigned for hearing December 19, 1889.

203. *John Relfe v. Atchison, Topeka and Santa Fé Railroad Company; Atlantic and Pacific Railroad Company; Prescott and Arizona Central Railroad Company; California Southern Railroad Company.*

Complaint alleges that on a shipment of household goods from Leavenworth, Kans., to Prescott, Ariz., weighing 1,590 pounds he prepaid the freight to the amount of \$20, that he preceded the goods to Prescott, and before they arrived there, ordered the Prescott and Arizona Central and Atlantic and Pacific Companies to rebill and forward them to San Diego, Cal., and on such goods being delivered to him at San Diego he was compelled to pay \$73.33 in addition to the amount prepaid. That the through rate to San Diego was \$1.90 per 100 pounds, and the local rates to Prescott and thence to San Diego were less, but he was compelled to pay for the service rendered about \$6 per 100 pounds.

June 11, 1889. Complaint filed.

Aug. 5, 1889. Answer of Prescott and Arizona Central Railroad Company filed.

Aug. 13, 1889. Joint answer of Atchison, Topeka and Santa Fé, Atlantic and Pacific and California Southern Railroad Companies filed.

204. *Lehmann, Higginson & Co. v. Texas and Pacific Railway Company; Missouri, Kansas and Texas Railway Company, and H. C. Cross and George A. Eddy, receivers of said company.*

Complaint alleges that defendants charge an unreasonable rate on sugar in car-loads from New Orleans to Humboldt, Kans.

June 17, 1889. Complaint filed.

July 13 to Aug. 7, 1889. Answers filed.

Sept. 3, 1889. Case assigned for hearing at United States court room, Kansas City, Mo., September 24, 1889.

Sept. 24, 1889. Hearing had. Parties allowed to file briefs.

205. *Lehmann, Higginson & Co. v. Southern Pacific Railway Company; Texas and Pacific Railway Company; Missouri, Kansas and Texas Railway Company, and H. C. Cross and George A. Eddy, receivers of said company.*

Complaint alleges that defendants charge 85 cents per hundred pounds on sugar in car-loads from San Francisco to Humboldt, Kans., and that said charge is made up of 65 cents, the rate to Kansas City, which place is 117 miles farther distant from San Francisco than Humboldt and on the same line, plus the local rate, 20 cents, back to Humboldt.

June 17, 1889. Complaint filed.

July 13-Aug. 19, 1889. Answers filed.

Sept. 3, 1889. Case assigned for hearing at United States court room, Kansas City, Mo., September 24, 1889.

Sept. 24, 25, 1889. Hearing had. Parties allowed to file briefs.

206. *Lehmann, Higginson & Co. v. Southern Pacific Railroad Company; Atlantic and Pacific Railroad Company; Atchison, Topeka and Santa Fé Railroad Company.*

Complaint alleges that defendants refuse to charge less than 85 cents per 100 pounds on sugar in car-loads from San Francisco to Humboldt, Kans., which charge consists of 65 cents, the rate to Kansas City, plus the local rate back to Humboldt; that such sugar comes via Ottawa, does not go to Kansas City, and is rebilled to Humboldt, at Argentine; that the distance from Ottawa to Humboldt is no greater than from Ottawa to Kansas City.

June 17, 1889. Complaint filed.

July 9-August 29, 1889. Answers filed.

Sept. 3, 1889. Case assigned for hearing at United States court room, Kansas City, Mo., September 24, 1889.

Sept. 24, 25, 1889. Hearing had. Parties allowed to file briefs.

207. *Lehmann, Higginson & Co. v. Central Pacific Railway Company; Southern and Pacific Railroad Company, Lessee, Central Pacific Railway Company; Union Pacific Railway Company; Missouri, Kansas and Texas Railway Company.*

Complaint alleges that defendants refuse to charge less than 85 cents per 100 pounds on sugar in car loads from San Francisco to Humboldt, Kans., which charge is made up of the rate to Kansas City, namely, 65 cents plus the rate back to Humboldt; that such sugar comes by the way of Junction City, and that the distance from Junction City to Humboldt is less than from Junction City to Kansas City.

June 17, 1889. Complaint filed.

July 10, 1889, to Aug. 29, 1889. Answers filed.

Sept. 3, 1889. Case assigned for hearing at United States court room, Kansas City, Mo., September 24, 1889.

Sept. 24, 25, 1889. Hearing had. Parties allowed to file briefs.

208. *Harvard Company v. Northern Pacific Railroad Company.*

Complaint alleges that surgical chairs manufactured by complainant and shipped over defendant's road are classed as double first class; that prior to the taking effect of the act to regulate commerce they were in the first class; that they are shipped at owner's risk and receive no better attention from defendant than lower grades of freight; that to be reasonable the rates should be those fixed for second-class freight.

June 2, 1889. Complaint filed.

July 9. Answer filed.

Sept. 3. Case assigned for hearing at the Palmer House, Chicago, Ill., September 30, 1889.

Sept. 6. Deposition of Stewart D. McKelvey filed on behalf of complainant.

Sept. 30. Hearing called. Notice of settlement filed.

209. *Harvard Company v. Chicago, Rock Island and Pacific Railway Company.*

Complaint alleges same as in No. 208.

June 22, 1889. Complaint filed.

July 13, 1889. Answer filed.

Sept. 3, 1889. Case assigned for hearing at Palmer House, Chicago, Ill., September 30, 1889.

Sept. 30, 1889. Hearing called. Notice of settlement filed.

210. John Livingston, President, Railway Shareholders' Association v. Delaware, Lackawanna and Western Railroad Company; Louisville and Nashville Railroad Company; St. Louis Bridge and Tunnel Company; Texas and Pacific Railway Company; New Orleans and Pacific Company; Scioto Valley Railway Company; Newport News and Richmond Railway Company; Denver and Rio Grande Railroad Company; Columbus and Cincinnati Midland Railroad Company; Cincinnati, Indianapolis, St. Louis and Chicago Railway Company; Lake Erie and Western Railroad Company; Central Railroad Company of Georgia; Gulf, Colorado and Santa Fé Railway Company; Montana Union Railway Company; Keokuk and Western Railroad Company; Mobile and Ohio Railway Company; Atlanta and West Point Railroad Company; Cincinnati, Selma and Mobile Railroad Company; Western Railway Company of Alabama; Chesapeake and Ohio Railway Company; Nashville, Chattanooga and St. Louis Railway Company; Vandalia Line; Cairo, Vincennes and Chicago Line; Richmond and Allegheny Railroad Company; Cleveland, Lorain and Wheeling Railway Company; Western New York and Pennsylvania Railroad Company; New York and New England Railroad Company; East Tennessee, Virginia and Georgia Railway Company; Louisville, Evansville and St. Louis Railroad



Company; Pittsburgh and Lake Erie Railroad Company; Indianapolis, Decatur and Springfield Railway Company; Shenandoah Valley Railroad Company; Georgia Railroad Company; Newport News and Mississippi Valley Company; Chicago, Rock Island and Pacific Railway Company; Union Pacific Railway Company; Denver, Texas and Gulf Railroad Company; Chicago, Milwaukee and St. Paul Railway Company; West Shore Railroad Company; Chicago, and Grand Trunk or Detroit, Grand Haven and Milwaukee Railway Company; Oregon Railway and Navigation Company; Lehigh Valley Railroad Company; Chicago and Alton Railroad Company; Chicago and North-Western Railway Company; Burlington, Cedar Rapids and Northern Railway Company; Michigan Central Railroad Company; Grand Rapids and Indiana Railroad Company; Lake Shore and Michigan Southern Railway Company; Wisconsin Central Railroad Company; Pan Handle; Flint and Pere Marquette Railroad Company; Ogdensburg and Lake Champlain Railroad Company; Atlantic Coast Line; Chicago, St. Paul, Minneapolis and Omaha Railway Company; Illinois Central Railroad Company; New York, Pennsylvania and Ohio Railroad Company; Cleveland, Columbus and Indianapolis Railway Company; Indianapolis and St. Louis Railway Company; Canadian Pacific Railway Company, Cincinnati, New Orleans and Texas Pacific Railway Company.

Complaint alleges violations of the act by granting free transportation to delegates and wives of delegates to the convention of the Brotherhood of Locomotive Engineers, held at Richmond, Va., October 17, 1889.

June 29, 1889. Complaint filed.

July 10, 1889. Copy complaint and notice to answer served by mail July 6, on the Newport News and Richmond at 23 Broad street, New York, N. Y., returned with statement that said company has no office at that address. Complainants asked to furnish proper address.

July 16–Sept. 12, 1889. Answers filed.

Oct. 9, 1889. *Ordered*, That the amended petition presented in this case be filed.

Oct. 9, 1889. Amended complaint filed. (Additional allegations made.)

Amended title is as follows:

John Livingston, President, Railway Shareholders' Association v. Delaware, Lackawanna and Western Railroad Company; Louisville and Nashville Railroad Company; St. Louis Bridge and Tunnel Company; Texas and Pacific Railway Company; Cincinnati, New Orleans and Texas Pacific Railway Company; Scioto Valley Railway Company; Newport News and Mississippi Valley Company; Denver and Rio Grande Railroad Company; Columbus and Cincinnati Midland Railroad Company; Cincinnati, Indianapolis, St. Louis and Chicasso Railway; Lake Erie and Western Railroad Company; Central Railroad and Banking Company of Georgia; Gulf, Colorado and Santa Fé Railway Company; Montana Union Railway Company; Keokuk and Western Railroad Company; Mobile and Ohio Railroad Company; Cincinnati, Selma and Mobile Railway

Company; Western Railway of Alabama; Atlanta and West Point Railroad Company; Chesapeake and Ohio Railway Company; Nashville, Chattanooga and St. Louis Railway Company; Terre Haute and Indianapolis Railroad Company; Cleveland, Cincinnati, Chicago and St. Louis Railway Company; Richmond and Allegheny Railroad Company; Cleveland, Lorain and Wheeling Railroad Company; Western New York and Pennsylvania Railroad Company; New York and New England Railroad Company; East Tennessee, Virginia and Georgia Railway Company; Louisville, Evansville and St. Louis Railroad Company; Pittsburgh and Lake Erie Railroad Company; Indianapolis, Decatur and Western Railway Company; Shenandoah Valley Railroad Company; Georgia Railroad Company; Chicago, Rock Island and Pacific Railway Company; Union Pacific Railway Company; Missouri Pacific Railway Company; Denver, Texas and Gulf Railroad Company; Chicago, Milwaukee and St. Paul Railway Company; West Shore Railroad Company; Chicago and Grand Trunk Railway Company; Detroit, Grand Haven and Milwaukee Railway Company; Oregon Railway and Navigation Company; Lehigh Valley Railroad Company; Chicago and Alton Railroad Company; Chicago and Northwestern Railway Company; Burlington, Cedar Rapids and Northern Railway Company; Michigan Central Railway Company; Grand Rapids and Indiana Railroad Company; Lake Shore and Michigan Southern Railway Company; Wisconsin Central Company; Pittsburgh, Cincinnati and St. Louis Railway Company; Flint and Pere Marquette Railroad Company; Ogdensburgh and Lake Champlain Railroad Company; Atlantic Coast Line Association; Chicago and Atlantic Railway Company; Chicago, St. Paul, Minneapolis and Omaha Railway Company; Illinois Central Railroad Company; New York, Pennsylvania and Ohio Railroad Company; Richmond, Fredericksburg and Potomac Railroad Company; Connecticut River Railroad Company; Central Vermont Railroad Company; Denver and Rio Grande Western Railway Company; Columbus, Hocking Valley and Toledo Railway Company; Columbus and Eastern Railway Company; Cleveland, Akron and Columbus Railway Company; Providence and Worcester Railroad Company; Milwaukee and Northern Railroad Company; Central Railroad Company of New Jersey; Western and Atlantic Railroad Company; Savannah, Florida and Western Railway Company; Baltimore and Ohio Railroad Company; Cincinnati, Washington and Baltimore Railroad Company; Ohio River Railroad Company; Louisville, New Albany and Chicago Railway Company; Raleigh and Augusta Air Line Railroad Company; Raleigh and Gaston Railroad Company; St. Paul, Minneapolis and Manitoba Railway Company; Northern Pacific Railroad Company; Richmond and Danville Railroad Company; Norfolk and Western Railroad Company; Rome, Watertown and Ogdensburgh Railroad Company; Ohio, Indiana and Western Railway Company; Southern Pacific Company; Chicago, St. Paul and Kansas City Railway Company; Western Maryland Railroad Company; St. Louis and San Francisco Railway Company; Boston and Maine Railroad Company; Wabash Western Rail-

road Company; Delaware and Hudson Canal Company; Pennsylvania Company; Pennsylvania Railroad Company; Louisville, New Orleans and Texas Railway Company; Kentucky Central Railway Company; Fitchburg Railroad Company; Green Bay, Winona and St. Paul Railroad Company; Wabash Railroad Company; Pittsburgh, Fort Wayne and Chicago Railway Company; Cleveland and Pittsburgh Railroad Company; Cincinnati, Hamilton and Dayton Railroad Company; Cincinnati, Hamilton and Indianapolis Railroad Company; Dayton and Michigan Railroad Company; Atchison, Topeka and Santa Fé Railroad Company; Charleston and Savannah Railway Company; Columbus, Springfield and Cincinnati Railroad Company; New York Central and Hudson River Railroad Company; Boston and Albany Railroad Company; Ohio and Mississippi Railway Company; Grand Trunk Railway Company; Minneapolis and St. Louis Railway Company; Cleveland, Columbus, Cincinnati and Indianapolis Railway Company; Indianapolis and St. Louis Railway Company; Canadian Pacific Railway Company.

Oct. 25, 1889. Case assigned for hearing December 19, 1889.

Oct. 26, 1889.—Dec. 1, 1889. Answers to amended complaint partially filed.

211. John A. Roebling's Sons Company v. Pennsylvania Railroad Company; Cumberland Valley Railroad Company; Shenandoah Valley Railroad Company; Norfolk and Western Railroad Company; East Tennessee, Virginia and Georgia Railway Company; Alabama Great Southern Railroad Company.

Complaint alleges that iron telegraph wire can not be distinguished from fence wire by ordinary inspection, and there is but little difference in value, yet on shipments of the former from Trenton, N. J., to Attalla, Ala., complainant is charged by defendants 81 cents per 100 lbs., while the rate on the latter for such transportation is 31 cents per 100 lbs. That the Pennsylvania Railroad Company charges only sixth class rates on iron telegraph wire when offered for western shipment, but on southern shipments fourth-class rates are exacted. A refund of excess charges is demanded.

July 6, 1889. Complaint filed.

July 29—Aug. 17, 1889. Answers filed.

Aug. 3, 1889. Statement filed by defendants that complaint had been satisfied.

Nov. 16, 1889. Acknowledgment of satisfaction filed by complainant.

Nov. 16, 1889. *Ordered*, That complainant have leave to withdraw the complaint and that proceedings be discontinued.

212. Joseph J. Wood v. Central Railroad of Georgia; Savannah, Florida and Western Railroad Company.

Complaint alleges that 3 barrels of oranges shipped over defendants' lines from Conway, Fla., to Columbus, Ga., were detained in transit from December 6 to December 31, 1888, that they were shipped for the Christmas trade; that complainant's offer to receive goods, sort out the decayed fruit,



and put in claim for damage less the freight charges was refused; the value of the goods less such freight charges is demanded.

July 6, 1889. Complaint filed.

July 31, 1889. Acknowledgment of satisfaction filed by complainant.

Aug. 8, 1889. Papers relating to settlement filed by defendant. Leave granted to withdraw complaint and proceedings discontinued.

213. Pennsylvania Company, operating the Jeffersonville, Madison and Indianapolis Railroad, *v.* Louisville, New Albany and Chicago Railway Company.

Complaint alleges unjust discrimination between passengers by defendant in issuing mileage tickets for \$20 good for 1,000 miles, and either not requiring purchasers to indorse them with their own names at the time of sale, or instructing conductors to make no effort to see that the tickets when presented by passengers are being used by the persons whose names are indorsed thereon, or to acquiesce in a total disregard of the printed conditions shown on said tickets; that thereby such mileage tickets or parts thereof fall into the hands of ticket scalpers in Louisville and Chicago, and are by them sold, so that while the established rate between said cities is \$9, persons purchasing such mileage tickets or parts thereof could travel the same journey for \$7, as by arrangement the unused portions of said tickets are redeemable at destination by the scalpers; and that such practice by defendant also results in great loss of traffic to complainant which it would otherwise receive.

July 10, 1889. Complaint filed.

Aug. 5, 1889. Answer filed.

Sept. 3, 1889. Case assigned for hearing at United States court-room, Indianapolis, Ind., Sept. 17, 1889.

Sept. 17, 1889. Hearing called. Notice given that cause of complaint had been removed.

Sept. 17, 1889. Memorandum by the Commission filed. (3 I. C. C. Rep., 223.) Leave granted to withdraw complaint.

214. Chicago, St. Louis and Pittsburgh Railroad Company *v.* Cleveland, Cincinnati, Chicago and St. Louis Railroad Company.

Complaint makes the same allegations in regard to passenger traffic between Cincinnati and Chicago as are made in complaint No. 213, concerning passenger traffic between Louisville and Chicago.

July 10, 1889. Complaint filed.

Aug. 2, 1889. Answer filed.

Sept. 3, 1889. Case assigned for hearing at United States court-room, Indianapolis, Ind., September 17, 1889.

Sept. 17, 1889. Hearing called. Notice given that cause of complaint had been removed.

Sept. 17, 1889. Memorandum by the Commission filed. (3 I. C. C. Rep., 223.) Leave granted to withdraw complaint.

## 215. Pittsburgh, Cincinnati and St. Louis Railway Company v. Baltimore and Ohio Railroad Company.

Complaint alleges violations of the act by defendant in giving "party rates" and issuing round-trip excursion tickets without posting the rate at which they are sold.

July 10, 1889. Complaint filed.

July 31, 1889. Answer filed.

Sept. 3, 1889. Case assigned for hearing at United States courtroom, Indianapolis, Ind., September 17, 1889.

Sept. 3, 1889. Hearing postponed at request of parties. Case to be heard at Washington in November, on a day to be named.

Oct. 25, 1889. Case assigned for hearing November 7, 1889.

Nov. 6, 1889. Hearing postponed to November 15, 1889, at the request of parties.

Nov. 15, 1889. Hearing had. Counsel to file briefs in twenty days.

## 216. Oregon Short Line Railway Company v. Northern Pacific Railroad Company.

Complaint alleges that defendant refuses to afford complainant reasonable, proper and equal facilities for the interchange of traffic at Portland, Oregon, and that it has refused to transport freight at Tacoma and Seattle, although the full amount of freight charges for the service was previously tendered in each case.

July 16, 1889. Complaint filed.

July 16, 1889. Copy complaint and notice to answer sent carrier.

July 16, 1889. Notice sent complainant.

Aug. 8, 1889. Answer filed.

Oct. 25, 1889. Case assigned for hearing November 18, 1889.

Nov. 12, 1889. Memorandum by the Commission filed on motion of complainant for leave to file a replication. Motion denied. (3 I. C. C. Rep., 264.)

## 217. Joseph J. Wood v. Georgia Midland and Gulf Railroad Company; East Tennessee, Virginia and Georgia Railroad Company; Florida Central and Peninsula Railroad Company; Florida Southern Railway Company.

Complaint alleges that ten crates of tomatoes shipped from McIntosh, Fla., to complainant at Columbus, Ga., were detained so long on the road that they arrived in very bad order; that complainant offered to sort and repack the goods, and put in claim for the value of the tomatoes less the freight charges, but this was refused. That amount is now demanded.

July 17, 1889. Complaint filed.

July 25, 1889. Notice filed by complainant that the Florida Southern Railway Company is not a proper party defendant.

July 25, 1889. Notice sent the Florida Southern Railway Company that it need not file answer to the complaint.

Aug. 9 to Nov. 22, 1889. Answers filed.

218. *George Rice v. Atchison, Topeka and Santa Fé Railroad Company; Atlantic and Pacific Railroad Company; Alabama Great Southern Railroad Company; Alabama and Vicksburg Railway Company; Central Pacific Railroad Company; Cincinnati, New Orleans and Texas Pacific Railway Company; Illinois Central Railroad Company; International and Great Northern Railroad Company; Louisville, New Orleans and Texas Railway Company; Mobile and Ohio Railroad Company; Newport News and Mississippi Valley Company; New Orleans and Northeastern Railroad Company; Southern Pacific Company; St. Louis, Iron Mountain and Southern Railway Company; Texas and Pacific Railway Company; Union Pacific Railway Company.*

Complaint alleges that defendants give undue and unreasonable preference and advantage on petroleum and its products to important and central points on their lines where the Standard Oil Trust, or companies affiliated to it, have large receiving and shipping stations, so that said trust or said companies can at such stations receive and re-ship the same over defendants' lines to intermediate and final points of delivery at much less rates for the entire service than are charged to petitioner of similar products from the same points of origin to the same points of final delivery without re-shipping the same at any point. That the rates petitioner is compelled to pay for the service are unjust and unreasonable, and that defendants, by reason of the facts above stated, charge more on such transportation for the shorter than for the longer distance over the same line in the same direction.

July 22, 1889. Complaint filed.

Aug. 12-Sept. 18, 1889. Answers filed.

Aug. 14, 1889. *Ordered*, That the pendency of this proceeding be made known to the various railroad companies named, and that each of them be furnished a copy of the complaint on prompt application therefor, and that they have leave to intervene and be heard if they so desire.

Aug. 17, 1889. Copy of order sent to each carrier therein named and to the parties.

Aug. 31, 1889. Correction of answer of Alabama Great Southern and other railroad companies filed, attached to answer, and copies sent to complainant and his counsel.

Oct. 21, 1889. Case assigned for hearing at Washington, December 12, 1889.

219. *George Rice v. Mobile and Ohio Railroad Company.*

Complaint alleges that defendant charges fourth-class rates on petroleum packed in wooden cases, each containing two tin cans of 5 gallons capacity, and sixth-class rates on petroleum shipped in barrels, but it refuses to allow petitioner to make up a car-load of petroleum in wooden cases and barrels; thus putting him at a great disadvantage in competition with other producers who are enabled to load full car-loads of each class of traffic.

July 22, 1889. Complaint filed.

Aug. 14, 1889. Answer filed.



Oct. 21, 1889. Case assigned for hearing at Washington December 12, 1889.

220. *Bennet D. Mattingly v. Pennsylvania Company.*

Complaint alleges that defendant unjustly discriminates against complainants by refusing to deliver freight to the Louisville, New Albany and Chicago Railway Company at New Albany, Ind., when such freight is consigned for delivery to him at Louisville on the tracks of the Kentucky and Indiana Bridge Company.

Aug. 1, 1889. Complaint filed.

Sept. 3, 1889. Case assigned for hearing at United States court-room, Indianapolis, Ind., September 17, 1889.

Sept. 17, 1889. Hearing had. Parties allowed to file briefs.

Sept. 26, 1889. Brief for complainant filed.

Nov. 18, 1889. Brief for defendant filed.

Dec. 1, 1889. Case under advisement by the Commission.

221. *George D. Sidman v. Piedmont Air-Line Railroad Company.*

Complaint alleges unjust discrimination between complainant and others holding commutation passenger tickets for use between Washington, D. C., and Herndon, Va.

Aug. 5, 1889. Complaint filed.

Aug. 7, 1889. Copy of complaint and notice to answer sent carrier (Richmond and Danville Railroad Company).

Aug. 21, 1889. Answer filed.

Oct. 25, 1889. Case assigned for hearing November 8, 1889, 10 a. m. Notices sent parties.

Nov. 4, 1889. Application for leave to withdraw answer filed.

*Ordered*, That leave to withdraw the answer on file be granted, and that complainant have leave to amend the complaint by substituting the name of the Richmond and Danville Railroad Company as defendant in the place and stead of the Piedmont Air-Line Railroad Company.

Nov. 5, 1889. Copies of above order served on the respective parties.

Nov. 8, 1889. Notice filed by complainant amending the complaint in accordance with the provisions of above order.

Copy of foregoing notice and amended complaint, with notice to answer in twenty days, sent carrier.

Nov. 26, 1889. Answer filed.

222. *The Poughkeepsie Iron Company v. Boston and Albany Railroad Company.*

Complaint alleges excessive rates, unjust discrimination, and preference and advantage in rates on pig-iron from Poughkeepsie to points on or beyond the line of defendant's road in favor of shippers of pig-iron from the Ohio region, called western pig-iron.

Aug. 5, 1889. Complaint filed.

Aug. 26, 1889. Answer filed.

Sept. 3, 1889. Case assigned for hearing of testimony at United States court-room, New York, N. Y., September 12, 1889.

Sept. 4, 1889. Hearing postponed indefinitely, at complainant's request, by Commissioner Bragg.

Oct. 25, 1889. Case assigned for hearing November 19, 1889, 10 a. m. Notices sent parties.

Nov. 12, 1889. Hearing postponed at complainant's request.

223. *Interstate Commerce Railway Association v. Chicago and Alton Railroad Company.*

Complaint alleges unjust discrimination by defendant in leasing a large number of live stock cars to the American Live Stock Commission Company at a nominal rental, guaranteeing repairs and collection of mileage, which amounts to a rebate on all stock shippers over defendant's road by the said lessee; and also by entering into a contract with meat firms in Kansas City for the transportation of beef and hogs dressed, or the product thereof, on a fixed basis of charges for a term of years.

Aug. 7, 1889. Complaint filed.

Sept. 3, 1889. Case assigned for hearing at the Palmer House, Chicago, Ill., September 30, 1889.

Sept. 14, 1889. Answer filed.

Sept. 30-Oct. 1, 1889. Hearing had.

Oct. 1, 1889. Leave granted to amend the complaint.

224. *Chicago, Rock Island and Pacific Railway Company v. Chicago and Alton Railroad Company.*

Complaint alleges that defendant has violated section 6 of the act by taking live stock (originally billed from western points to Chicago, and which were allowed by such billing to be sold at Kansas City and was there sold) from Kansas City to Chicago under the original billing when it was not a party to the through rate named in said billing, and which was done at a lower rate than was at the time named in its published tariff from Kansas City to Chicago

Aug. 7, 1889. Complaint filed.

Sept. 3, 1889. Case assigned for hearing at the Palmer House, Chicago, Ill., September 30, 1889.

Sept. 14, 1889. Answer filed.

Sept. 30-Oct. 1, 1889. Hearing had.

Dec. 1, 1889. Case under advisement by the Commission.

225. *D. S. Alford v. Chicago, Rock Island and Pacific Railway Company.*

Complaint alleges that defendant refuses to afford any facilities for freight and passenger business at Lawrence, Kans., through which its line runs, nor to stop trains there, although the business at that point warrants it.

Aug. 9, 1889. Complaint filed.

Aug. 28, 1889. Answer filed.

Sept. 3, 1889. Case assigned for hearing at United States court-room, Kansas City, Mo., September 24, 1889, 11 a. m.

Sept. 24, 1889. Hearing had. Briefs to be filed.

226. *J. A. Moore v. Missouri Pacific Railway Company.*

Complaint alleges that defendant charges on a hydraulic cider-press, consigned to complainant from Mount Gilead, Ohio, to

Greeley, Kans., an excessive rate on the haul from East St. Louis to Greeley, amounting to \$3 per 100 pounds, while from Mount Gilead to East St. Louis, nearly double the distance, the rate charged was only 27 cents per 100 pounds.

Aug. 15, 1889. Complaint filed.

Notice of settlement filed. Leave granted to withdraw complaint and proceeding discontinued.

227. The Holly Springs Compress and Manufacturing Company v. Kansas City, Memphis and Birmingham Railroad Company.

Complaint alleges unjust discrimination by defendant against complainant by charging \$1.45 per bale on compressed cotton loaded at complainant's compress by complainant and transported to Memphis, Tenn., where it is unloaded by consignee, while on flat or uncompressed cotton loaded and unloaded by defendant it charges the same rate. It further subjects shippers at Holly Springs, Miss., to prejudice and disadvantage by giving more favorable rates, relatively to Tupelo, New Albany, Potts Camp, Red Banks, Victoria and Byhalia, Miss., than to Holly Springs. Defendant has failed and neglected to post its tariffs in two public and conspicuous places at its depot or station in Holly Springs as required by law.

Aug. 15, 1889. Complaint filed.

Sept. 7, 1889. Answer filed.

Oct. 25, 1889. Case assigned for hearing November 14, 1889, 10 a. m.

Nov. 8, 1889. Amended complaint filed.

Nov. 8, 1889. Hearing postponed to a day to be named.

Nov. 11, 1889. Deposition on behalf of complainant filed.

Nov. 19, 1889. Proposed findings of fact filed by complainant.

Nov. 29, 1889. Answer to amended complaint filed.

228. Clarence D. Simpson and Thomas R. Watkins, trading as co-partners under the firm name of Simpson & Watkins v. Delaware and Hudson Canal Company.

Complaint alleges that defendant's rates on coal from the Carbondale district in Pennsylvania to points in New York northward to Rouses's Point are so excessive that when deducted from market value of coal at delivery points the remainder does not cover cost of coal at the collieries; that defendant, being a miner and shipper of coal over its road to said points, obtains a monopoly of the coal trade at each of them by reason of said excessive rates that defendant is bound as a common carrier to charge other shippers no more for coal transportation than the difference between the market value of coal at delivery points and the market value of coal in the Carbondale district plus 25 cents as a guaranty commission on the sale at destination; that defendant's rates on bituminous coal are believed to be only about one-third of anthracite rates and the two coals should be classed alike; that defendant in the busy season refuses to afford to complainants the coal cars known as "gravities" and "Delaware and Hudson exclusives" in their rightful proportion.

Aug. 24, 1889. Complaint filed.



Sept. 11, 1889. Stipulation of counsel that complaint may be withdrawn and case discontinued filed.

Sept. 11, 1889. Leave to withdraw petition granted and proceeding discontinued.

229. Andrew Langdon, Sumner W. White and Charles R. Heneage, trading as co-partners under the firm name of Andrew Langdon & Company, v. Delaware and Hudson Canal Company.

Complaint alleges same as complaint in No. 228.

Aug. 24, 1889. Complaint filed.

Sept. 12, 1889. Answer filed.

Oct. 25, 1889. Case assigned for hearing November 12, 1889, 10 a. m.

Nov. 11, 1889. Hearing postponed by agreement of parties.

230. Clarence D. Simpson and Thomas H. Watkins, trading as co-partners under the firm name of Simpson & Watkins, v. The New York, Lake Erie and Western Railroad Company.

Complaint alleges that defendant unjustly discriminates against complainants by giving more favorable rates on coal from the Honesdale and Carbondale districts in Pennsylvania, to points in New York and New Jersey to the Delaware and Hudson Canal Company and the Hillsdale Coal and Iron Company; that the discrimination often amounts to as much as 25 cents and 50 cents per ton; that defendant owns the capital stock of the latter company; that defendant carries coal in the name of said last-named company to said points and sells the same at such prices that after deducting the published rates of freight there remains a sum much less than the market value of coal at the mines, and if the loss so incurred is borne by said coal company it loses money, which loss is borne by defendant as stockholder, and such loss should be deducted from present rates in force to make the rates reasonable. It also discriminates in favor of the companies above named in the distribution of coal cars ordinarily used and those known as "Delaware and Hudson Exclusives."

Aug. 24, 1889. Complaint filed.

Sept. 11, 1889. Stipulation of counsel filed that petition may be withdrawn and proceeding discontinued.

Sept. 11, 1889. Leave to withdraw the petition granted and proceeding discontinued.

231. Hervey Bates and H. Bates, jr., v. Pennsylvania Railroad Company; Pennsylvania Company.

Complaint alleges that defendants unjustly discriminate against complainants in favor of millers in the East, at or near the seaboard, by charging 23 cents per 100 pounds on ground and cracked corn, corn meal, guts and hominy, and the refuse therefrom from Indianapolis, where complainant's mills are located, to New York, while upon whole corn the rate per 100 pounds is but 18½ cents.

Aug. 29, 1889. Complaint filed.

Sept. 3. Case assigned for hearing at United States room, Indianapolis, Ind., September 17, 1889,

Sept. 12-13. Answers filed.

Sept. 17. Hearing had.

Oct. 24. *Ordered*, that the Baltimore and Ohio Railroad Company be notified of the pendency of this cause and be given an opportunity to be heard therein, and to signify its purpose and desire in this behalf on or before the 4th of November, 1889.

Oct. 30. Notice filed by the Baltimore and Ohio Railroad Company that it desires to be heard in this proceeding and to file an argument.

Oct. 31. *Ordered*, that the Baltimore and Ohio Railroad Company have leave to file an argument in this proceeding on or before the 15th of November, 1889.

Nov. 22, 1889. Argument on behalf of the Baltimore and Ohio Railroad Company filed.

Dec. 1, 1889. Case under advisement by the Commission.

232. *Hoag & Tichenor v. New York, Lake Erie and Western Railroad Company.*

Complaint alleges unjust discrimination by defendant in charging \$31 on a car-load of empty nail kegs from Youngstown, Ohio, to Binghamton, N. Y., while its rates on a car-load of nails from and to the same points are only \$27.60.

Aug. 31, 1889. Complaint filed.

Sept. 12, 1889. Answer setting forth satisfaction of complaint filed.

Sept. 12, 1889. Acknowledgment of satisfaction filed by complainant.

Sept. 12, 1889. Leave granted to withdraw complaint, and proceeding discontinued.

233. *The American Wire Nail Company v. Cincinnati, New Orleans and Texas Pacific Railway Company; Alabama Great Southern Railroad Company; Alabama and Vicksburg Railway Company; New Orleans and Northeastern Railroad Company; Vicksburg, Shreveport and Pacific Railway Company.*

Complaint alleges that defendants charge an excessive rate on wire nails from Cincinnati to Chattanooga, namely, 40 cents per 100 pounds, while they only charge 15 cents per 100 pounds for the same service in carrying iron nails, and that the two kinds of nails are precisely similar in character and value.

Aug. 31, 1889. Complaint filed.

Sept. 9, 1889. Answer setting forth satisfaction of complaint filed.

Sept. 3, 1889. Case assigned for hearing at United States court-room, Indianapolis, September 17, 1889.

Sept. 17. Hearing called. Notice given that cause of complaint had been removed, but decision requested.

Memorandum by the Commission filed. (3 I. C. C. Rep., 223.)

Leave granted to withdraw complaint.

234. *Frederick J. Switz v. Union Pacific Railway Company.*

Complaint alleges that defendant unjustly discriminates against

the city of Kearney, and gives undue preference and advantage in freight rates from Omaha and Council Bluffs.

Sept. 2, 1889. Complaint filed.

Sept. 20, 1889. Answer filed.

235. Proctor & Gamble *v.* Cincinnati Hamilton and Dayton Railroad Company; Pittsburgh, Cincinnati and St. Louis Railway Company; Pennsylvania Railroad Company.

Complaint alleges violations of the act by defendants in placing common soap in the fifth class with soap powder, liquid soap, washing crystal etc., instead of the sixth class with staple articles of the grocery trade to which it is more similar in price, bulk, weight and necessity, to consumers.

Sept. 12, 1889. Complaint filed.

Oct. 4, to Nov. 22, 1889. Answers filed.

Oct. 25, 1889. Case assigned for hearing November 15, 1889.

Nov. 6, 1889. Hearing postponed to January 8, 1890.

Nov. 15-22, 1889. Depositions on behalf of complainants filed.

236. Proctor & Gamble *v.* Cleveland, Cincinnati, Chicago and St. Louis Railway Company; Lake Shore and Michigan Southern Railway Company; New York Central and Hudson River Railroad Company.

Complaint alleges same as complaint in No. 235.

Sept. 12, 1889. Complaint filed.

Oct. 7-17, 1889. Answers filed.

Nov. 6, 1889. Hearing postponed to January 8, 1890.

Nov. 15-22, 1889. Depositions on behalf of complainants filed.

237. Proctor & Gamble *v.* Orland Smith and H. C. Yergason, receivers of the Cincinnati, Washington and Baltimore Railroad Company; Baltimore and Ohio Railroad Company.

Complaint alleges same as complaint in No. 235.

Sept. 12, 1889. Complaint filed.

Oct. 2-10, 1889. Answers filed.

Oct. 25, 1889. Case assigned for hearing November 15, 1889.

Nov. 6, 1889. Hearing postponed to January 8, 1890.

Nov. 15-22, 1889. Depositions on behalf of complainants filed.

238. John Livingston, President Railway Shareholders' Association *v.* New York, Lake Erie and Western Railroad Company.

Complaint alleges that defendant issues 500 and 1,000 mile tickets to employes at one-half and 1 cent per mile for use by said employes and members of their families, and that complainant is informed and believes that other persons than those named on the tickets use the same; allows minors and other persons to ride on freight trains without charge, to their great danger; and also that it has issued passes to persons claiming to be delegates to the convention of the Brotherhood of Locomotive Engineers held at Richmond in October and November, 1888, some of whom were not employes of any railroad company and most of whom were not employes of defendant.

Sept. 12, 1889. Complaint filed.



Oct. 9, 1889. Answer filed.

Oct. 25, 1889. Case assigned for hearing December 19, 1889, 10 a. m. Notices sent parties.

239. *Hulbert H. Warner v. New York Central and Hudson River Railroad Company; West Shore Railroad Company; New York, Lake Erie and Western Railroad Company; Delaware, Lackawanna and Western Railroad Company; New York, Ontario and Western Railway Company; Pennsylvania Railroad Company; Baltimore and Ohio Railroad Company; Philadelphia and Reading Railroad Company; Lehigh Valley Railroad Company; Grand Trunk Railway Company of Canada, as members of the Trunk Line Association.*

Complaint alleges that defendants violate section 2 of the act by charging second-class rates on patent medicines in car-loads, while other articles, similar in bulk, value and otherwise, such as ale, beer and mineral waters, are rated in the third class and fifth class in car-loads.

Sept. 14, 1889. Complaint filed.

Oct. 4-Dec. 1, 1889. Answers filed.

240. *E. M. Raworth v. Northern Pacific Railroad Company; Oregon Railway and Navigation Company; St. Paul, Minneapolis and Manitoba Railway Company; Union Pacific Railway Company; Southern Pacific Railway Company.*

Complaint alleges violation of section 4, by defendants in charging more for the transportation of sugar in car-loads from San Francisco to St. Paul, Minn., the longer distance.

Sept. 25, 1889. Complaint filed.

Oct. 14-Nov. 2, 1889. Answers filed.

241. *American Mining and Smelting Company; Arkansas Valley Smelting Company; Harrison Reduction Works; Manville Smelting Company v. Denver and Rio Grande Railroad Company.*

Complaint alleges that defendant not only charges an unreasonable through rate of \$16 per ton on bullion shipped from Leadville, Colo., to Missouri River points, of which it receives \$8 per ton for the haul to Denver, a distance of 277 miles, but that, by charging a through rate of \$13 per ton on bullion from Salt Lake City to the Missouri River, of which it and the Denver and Rio Grande Western Railway Company receive but \$5 for the haul from Salt Lake City to Denver, a distance of 732 miles, it unjustly discriminates against the Leadville shippers and gives to the Salt Lake City shippers an undue preference and advantage. The hauls of Leadville and Salt Lake bullion are the same from Salida eastward, and that place is situated about 217 miles west of Denver.

Oct. 1, 1889. Complaint filed.

Oct. 22, 1889. Stipulation of counsel filed extending time to answer until November 6, 1889.

Nov. 6, 1889. Answer filed.

242. *Andrews Soap Company v. Cincinnati and St. Louis Railway Company; Cincinnati, Hamilton and Dayton Railroad Company; Cleveland, Cincinnati, Chicago and St. Louis Railway Company; Cincinnati, Washington and Baltimore Railroad Company; Chesapeake and Ohio Railway Company; Ohio and Mississippi Railway Company; New York, Pennsylvania and Ohio Railroad Company.*

Complaint alleges that defendants unjustly place American castile soap in the second class, while white soaps, known as toilet soaps, are rated in the fourth class.

Oct. 5, 1889. Complaint filed.

Oct. 23 to Nov. 4, 1889. Answers filed.

Nov. 6, 1889. Case assigned for hearing at Washington, January 8, 1890.

243. *W. S. King & Co. v. New York, New Haven and Hartford Railroad Company; New York and New England Railroad Company.*

Complaint alleges violation of the act by charging more for the shorter haul in the transportation of flour from Pier 50, New York City, to Readville, Mass., than to Boston, Mass., the longer distance, and states that the rate to Readville is 18 cents per 100 pounds, and the rate to Boston is 9 cents per 100 pounds.

Oct. 10, 1889. Complaint filed.

Oct. 29-30, 1889. Answers filed.

244. *Harvard Company v. Pennsylvania Company; Pennsylvania Railroad Company; Lake Shore and Michigan Southern Railroad Company; New York Central and Hudson River Railroad Company; Baltimore and Ohio Railroad Company; Grand Trunk Railway Company; Cleveland, Columbus, Cincinnati and Indianapolis Railway Company; Valley Railway Company; New York, Lake Erie and Western Railroad Company; Boston and Albany Railroad Company; New York and New England Railroad Company; New York, New Haven and Hartford Railroad Company.*

Complaint alleges that surgical chairs manufactured by it are unjustly charged by defendants at double first-class rates, and that a reasonable classification of such chairs would be at second-class rates.

Oct. 12, 1889. Complaint filed.

Oct. 29-Nov. 21, 1889. Answers filed.

245. *James & Mayer Buggy Company v. Cincinnati, New Orleans and Texas Pacific Railway Company; Western and Atlantic Railroad Company; Georgia Railroad Company.*

Complaint alleges that defendants violate the act by charging the same rate per 100 pounds on vehicles from Cincinnati to Atlanta, Ga., as they charge from the same place over the same line to Augusta, Ga., 171 miles farther distant, namely, \$1.01 per 100 pounds; and also by charging more for the shorter haul on the same traffic over the same line to Social Circle from Cincinnati than to Augusta, Ga., the rate to Social Circle being \$1.31 per 100 pounds.

Oct. 8, 1889. Complaint filed.  
Nov. 8-29, 1889. Answers filed.

246. *Steamer R. T. Coles v. Nashville, Chattanooga and St. Louis Railway Company; Memphis and Charleston Railroad Company; Louisville and Nashville Railroad Company.*

Complaint alleges unjust discrimination in rates charged by defendants on property delivered to or received from complainant, a common carrier between points on the Tennessee River in favor of like property delivered to or received from the Tennessee River Transportation Company, a common carrier between the same points on the Tennessee River.

Oct. 30, 1889. Complaint filed.  
Nov. 18-25, 1889. Demurrers filed.

247. *George Rice v. Union Pacific Railway Company; Atchison, Topeka and Santa Fé Railroad Company; Dunkirk, Allegheny Valley and Pittsburgh Railroad Company; Wabash Railroad Company, and John McNulta, receiver thereof; East Tennessee, Virginia and Georgia Railway Company.*

Complaint alleges violations of the act by defendants in the classification of petroleum as compared with cotton-seed oil, linseed-oil, lard and naphtha; in charging the same rate for the return of empty tank cars, irrespective of the weight and capacity of each car; in deducting and carrying free 42 gallons or other quantity of the products of petroleum out of each tank car, without making a similar proportionate deduction in the amount of petroleum and its products carried by other methods than tank cars; in deducting and carrying free 12 per cent. or other quantity of gasoline or any one or more of the other products of petroleum without making a similar proportionate deduction of all other products carried under similar circumstances and conditions; in like rating and classification of car-load lots and less than car-load lots of petroleum and its products irrespective of whether the loading is in iron or wooden barrels or in cases.

Nov. 8, 1889. Complaint filed.  
Nov. 8, 1889. *Ordered*, That the pendency of this proceeding be made known to the various railway carriers of the country, and that each of them be furnished with a copy of the petition upon application therefor, and that they have leave to appear and be heard therein if they so desire.  
Nov. 22, 1889. Notice of appearance filed by the Western New York and Pennsylvania Railroad Company.

*Summary from December 1, 1888, to December 1, 1889.*

Cases heard and decided .....	33
Cases heard not decided .....	21
Cases hearing not completed .....	17
Cases withdrawn and settled by parties .....	14
Cases suspended by request of parties .....	12
Cases assigned for hearing .....	15
Cases at issue not assigned for hearing .....	14
Cases not at issue .....	3
Total .....	129



STATEMENT OF IMPORTANT POINTS DECIDED BY THE COMMISSION SINCE ITS ORGANIZATION.

ABSTRACT QUESTIONS.

OPINIONS ON.—The Commission will not express opinions on abstract questions; nor on questions presented by *ex parte* statements of fact; nor on questions of the construction of the statute when no controversy is pending.

*In re* Order of Railway Conductors.

*In re* Traders' and Travelers' Union.

*In re* Iowa Barb Steel Wire Company.

*In re* St. Louis Millers' Association.

*In re* Disabled Soldiers and Sailors.

Bishop *v.* Duval, receiver etc.

Harris *v.* Duval, receiver etc., *et al.*

Lincoln Board of Trade *v.* Union Pacific Railway Company, *et al.*

Pennsylvania Company *v.* Louisville, New Albany and Chicago Railroad Company.

Chicago, St. Louis and Pittsburgh Railroad Company *v.* Cleveland, Cincinnati, Chicago and St. Louis Railway Company.

BOOKS, PAPERS AND DOCUMENTS.

COMPULSORY PRODUCTION OF.—

Rice *v.* Cincinnati, Washington and Baltimore Railroad Company *et al.*, *in re* application of petitioner.

BURDEN OF PROOF.

TO SUSTAIN COMPLAINT IS ON COMPLAINANT.—

Fulton *v.* Chicago, St. Paul, Minneapolis and Omaha Railroad Company.

Harding *v.* Same Company.

Holbrook *v.* St. Paul, Minneapolis and Manitoba Railroad Company.

TO JUSTIFY GREATER CHARGE ON SHORTER HAUL IS ON RAILROAD COMPANY.—

*In re* Louisville and Nashville Railroad Company.

Spartanburg Board of Trade *v.* Richmond and Danville Railroad Company *et al.*

MILEAGE RATES ON BRANCH LINES.—A departure from the rule of equal mileage rates as applied to the several branches of a road is not conclusive that such rates are unlawful, but the burden is on the company making such departure to show its rates to be reasonable when disputed.

Logan *et al.* *v.* Chicago and North-Western Railway Company.

IS ON CARRIER TO JUSTIFY DISPROPORTIONATE OR RELATIVELY UNEQUAL RATES.—McMorran *et al.* *v.* Grand Trunk Railway Company of Canada *et al.*

When grain and grain products are classified alike the burden is on carrier to justify difference in rates. (*Ib.*)

See Proof; Evidence; Rule XI. Rules of Practice.

## CAR-LOAD RATES.

**ON LIVE CATTLE.**—Prescribed minimum rate for a car-load and a charge by the 100 pounds in proportion to the car-lot rate for any excess over the minimum.  
*Held* not to be unlawful.

Leonard & Chapelle v. Chicago and Alton Railroad Company.

## CARRIERS.

**WHAT ARE INTERSTATE.**—The fact that the owner of merchandise, which is offered to a carrier for transportation from one point to another in the same State, intends to have it further transported by a second carrier into another State, does not make such first transportation interstate commerce or render the carrier subject to the control of the Commission in respect to it, even though such first carrier may be informed of the ultimate destination of the merchandise.

Missouri and Illinois Railroad Tie and Lumber Company v. Cape Girardeau and Southwestern Railway Company.

**PRIVILEGES GRANTED BY.**—Carrier must decide in the first instance what privileges he may or will grant under the act to regulate commerce, and if it is then complained that in doing so the act is violated, the Commission will have jurisdiction on complaint being filed for such violation.

*In re* Order of Railway Conductors.

*In re* Traders' and Travelers' Union.

*In re* Iowa Barbed Steel Wire Company.

*In re* St. Louis Millers' Association.

*In re* Disabled Soldiers and Sailors.

**PROTECTION AGAINST UNREASONABLY LOW RATES.**—The act to regulate commerce assumes that the carriers, in their power to make rates, have ample remedy to protect against rates which are unreasonably low.

*In re* Chicago, St. Paul and Kansas City Railway Company.

**DUTY TO ACCEPT ALL ORDINARY TRAFFIC.**—Common carriers are under obligation to take all descriptions of ordinary traffic from all points and it is right that the rates should be known and announced publicly in advance of the offering of traffic.

*In re* Tariffs of Transcontinental Lines.

**RIGHTS OF SHIPPERS.**—Under the act to regulate commerce shippers are not to be put in a position of subserviency to common carriers, nor required to ask for rates, but are entitled to equal and open rates at all times. (*Ib.*)

**IMMIGRANT TRANSPORTATION.**—A railroad company which transports immigrants in unfit cars will be required to provide better accommodations and to ascertain their fitness the Commission will make its own inspection.

Savery & Co. v. New York Central and Hudson River Railroad Company *et al.*

**PROSECUTION OF.**—A carrier which has conformed to the ruling of the Commission should not be prosecuted for alleged violations of law in that respect which occurred before such ruling was made and under a construction of the law then approved by the carriers' counsel.

Slater v. Northern Pacific Railroad Company.

**EXCESSIVE RATES.**—The fact that a road earns a little more than operating expenses is not to be overlooked, but it can not be made to justify grossly excessive rates. Wherever there are more roads than the business at fair rates will remunerate, they must rely upon future earnings for the return of investments and profits.

New Orleans Cotton Exchange v. Cincinnati, New Orleans and Texas Pacific Railway Company *et al.*

**DUTY TO PUBLIC.**—A railroad company is under special obligations to give reasonable rates for its local business, but there are many influences which may affect through rates while not bearing upon local rates at all; or if at all, in less degree.

*Lippman & Co. v. Illinois Central Railroad Company.*

Obligation of common carriers to transport freight arises upon tender of same for transportation in the usual way, without any special agreements. Compensation for the service secured by a lien upon the goods, except when payment in advance is made.

*Riddle, Dean & Co. v. New York, Lake Erie and Western Railroad Company.*

Regular patrons not entitled to preference in the use of equipment of common carriers. The public must be justly and equally served. (*Ib.*)

The duties of carriers in respect to short branch roads used as instrumentalities of interstate commerce stated.

*Heck & Petree v. East Tennessee, Virginia and Georgia Railway et al.*

A common carrier should be sensitive to the least suspicion of unfairness. The purchase of his services at a stated price, equal to all, should be a matter of course with every shipper.

*In re Underbilling.*

**MUST FURNISH ADEQUATE CAR EQUIPMENT.**—It is a common law and charter duty of every railway carrier subject to the act to regulate commerce to furnish a proper and adequate car equipment for all the reasonable needs of the business it advertises and undertakes to do, and if the carrier fails to do this to the wrongful injury of the shipper it is liable in damages therefor, but the statute has not clothed the Interstate Commerce Commission with the jurisdiction to order the carrier to furnish any particular equipment of cars, or in fact any cars at all. It is the duty of such carrier to select and furnish its own equipment of cars, under all the responsibility which the law requires of it in so vital and important a matter, for the public has not undertaken to divide responsibility with the carrier in this respect.

*Scofield et al. v. Lake Shore and Michigan Southern Railway Company.*

**INSPECTION OF FREIGHT CARS.**—After a freight tank-car has just returned from one long journey, it is the duty of the carrier before permitting it to start out loaded on another distant run, in which the lives and safety of brakemen, trainmen, and the property of the shipper will be involved, to have such car carefully inspected by a competent inspector, in order to ascertain whether it is in a safe condition for such service.

*Michigan Congress Water Company v. Chicago and Grand Trunk Railway Company.*

**DECLARATION OF AGENTS.**—Unauthorized declarations of a depot agent, implying that a tank car which has just returned from a long journey is in a safe condition to be loaded and started on another long run, are not binding upon the railroad company. (*Ib.*)

**FRAMING OF TARIFFS.**—The carriers themselves should devise the methods by which their tariffs should be framed in conformity to the law.

*In re Tariffs of the Columbus and Western Railway Company.*

**PRODUCTION OF BOOKS, PAPERS, AND DOCUMENTS BY.**—

*Rice v. Cincinnati, Washington and Baltimore Railroad Company et al., in re Application of Petitioner.*

**WHEN OVERCHARGE MADE THROUGH MISAPPREHENSION MAY BE RETURNED.**—

*Sanger v. Southern Pacific Company et al.*

**WHEN FOREIGN CARRIERS ARE SUBJECT TO THE ACT.**—

*In re Acts and Doings of the Grand Trunk Railway Company of Canada.*



*See Act to Regulate Commerce; Export Tariffs; Facilities of Traffic; Joint Rates; Joint Tariffs; Live Stock; Preference and Advantage; Reasonable Rates; Relative Rates; Tariffs; Unjust Discrimination; Underbidding; Water and Rail Lines.*

### CIRCUMSTANCES AND CONDITIONS.

#### WHAT MAY BE DISSIMILAR IN TRANSPORTATION.—

*In re Louisville and Nashville Railroad Company.*

Business Men's Association of the State of Minnesota *v.* Chicago, St. Paul, Minneapolis and Omaha Railway Company.

Rice, Robinson & Witherop *v.* Western New York and Pennsylvania Railroad Company.

Rend *v.* Chicago and North-Western Railway Company.

Logan *et al.* *v.* Chicago and North-Western Railway Company.

Business Men's Association of the State of Minnesota *v.* Chicago and North-Western Railway Company.

#### WHAT DO NOT CONSTITUTE DISSIMILAR.—

Vermont State Grange *v.* Boston and Lowell Railroad *et al.*

Harwell *v.* Columbus and Western Railroad Company.

Business Men's Association of the State of Minnesota *v.* Chicago, St. Paul, Minneapolis and Omaha Railway Company.

*In re Chicago, St. Paul and Kansas City Railway Company.*

### CLASSIFICATION.

#### PRINCIPLES CONTROLLING.—

First Annual Report of Interstate Commerce Commission.

DIFFERENCES IN CLASSIFICATION MAY VIOLATE THE FOURTH SECTION.—Violation of the fourth section of the act can be accomplished by differences in classification as well as by differences in tariff rates.

Martin *v.* Southern Pacific Company *et al.*

MIXED CAR-LOAD LOTS.—Mixed car-load lots should be uniformly classified, and immediate adoption of a reasonable rule recommended. (*Ib.*)

ANALOGOUS ARTICLES ENTITLED TO SAME.—Classification of dried fruits and raisins in different classes works injustice to shippers. (*Ib.*)

Under a classification which puts lumber in car-load lots in the sixth class, and unfinished wagon materials in the fifth class, it is held that hub-blocks which are prepared as such to be sold to the manufacturers of hubs and of wheeled vehicles, but upon which only so much labor has been expended as is needful to put them in condition for seasoning, are to be regarded as the raw material upon which the process of manufacture of hubs is not yet begun, just as boards are the raw material from which wagon boxes are made. The blocks belong, therefore, when not otherwise specified in the classification sheet, with lumber instead of with unfinished wagon materials.

Hurlburt *v.* Lake Shore and Michigan Southern Railroad Company.

Hurlburt *v.* Pennsylvania Railroad Company.

Classification of railroad ties should correspond with that of other rough lumber.

Comparisons stated, and held that the raising of same from sixth to fifth class in the official classification was unjustifiable.

Reynolds *v.* Western New York and Pennsylvania Railway Company.

DISTINCTIONS IN.—A statement of the grounds of differences in classifications of articles of freight of railroad companies, and a discussion of those which are involved with reference to pearline and common soap by which the conclusion of the Commission was reached that the classification of pearline should be reduced.

Pyle & Sons *v.* East Tennessee, Virginia and Georgia Railroad Company.

**FRAUDS IN.**—Fraudulent classification as a method of obtaining reduced rates, considered.

*In re Underbilling.*

**CONSTRUCTION.**—A classification sheet is put before the public for general information; it is supposed to be expressed in plain terms so that the ordinary business man can understand it, and, in connection with the rate sheets, determine for himself what he can be lawfully charged for transportation. The persons who prepare the classification have no more authority to construe it than anybody else, and they must leave it to speak for itself.

*Hurlburt v. Lake Shore and Michigan Southern Railway Company.*

*Hurlburt v. Pennsylvania Railroad Company.*

**ARTICLES CLASSIFIED ALIKE ARE PRESUMPTIVELY ENTITLED TO EQUAL RATES.**—

*McMorran et al. v. Grand Trunk Railway Company of Canada et al.*

**FORM OF.**—Form of tariffs and classifications in use criticised and requirements of statute stated in respect thereto.

*In re Tariffs and Classifications of Atlanta and West Point Railroad Company et al.*

*See Uniform Classification.*

### COMMISSIONS ON SALE OF TICKETS.

**REGULATION AGAINST PAYING.**—The defendants adopted a regulation that they would not sell tickets for and over the line of a connecting road unless such connecting road would abstain from paying commissions to their agents on the sales made, and would make promise to that effect. Such a regulation is reasonable, and therefore legal.

*Chicago and Alton Railroad Company v. Pennsylvania Railroad Company.*

*Chicago, Rock Island and Pacific Railroad Company v New York Central and Hudson River Railroad Company.*

A railroad company has a right to insist that its agents shall be its employes exclusively, and it is not obliged to permit any other company to make them its employes also. (*Ib.*)

The requirement in the act to regulate commerce that common carriers shall "afford all reasonable, proper and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding and delivering of passengers and property to and from their several lines, and those connecting therewith," will not require a railroad company to sell through tickets over the line of a road whose managers persist in offering commissions to the agents who sell such tickets. The practice of paying commissions to the agents of other roads on tickets sold over the road of the company paying the same, condemned as demoralizing and as an improper drain on corporate resources. (*Ib.*)

If a passage ticket over several roads is a reasonable facility of travel, the privilege of paying a commission to the agent who sells it, and who would be required by duty to his employer to sell it when called for, without any commission therefor, can not be regarded as an incident to the facility, and therefore can not be insisted on. (*Ib.*)

Second Annual Report Interstate Commission. *In re Passenger Tariffs and Rate Wars.*

### COMPETITION.

**MAY MAKE OUT DISSIMILAR CIRCUMSTANCES AND CONDITIONS IN RAILWAY TRAFFIC.**—

*In re Louisville and Nashville Railroad Company,*

WHEN NOT SUFFICIENT TO CONSTITUTE EXCEPTION.—

Vermont State Grange *v.* Boston and Lowell Railroad *et al.*  
Harwell *v.* Columbus and Western Railway Company.

WHEN NOT AN EXCUSE FOR UNJUST RELATIVE RATES.—

Raymond *v.* Chicago, Milwaukee and St. Paul Railway Company.  
Boards of Trades Union, etc., *v.* Chicago, Milwaukee and St. Paul  
Railway Company.

EFFECT OF EXCESSIVE.—

First Annual Report of Interstate Commerce Commission.

EFFECT OF ACT UPON.—

First Annual Report of Interstate Commerce Commission.

BETWEEN LOCALITIES.—

Second Annual Report of Interstate Commerce Commission.

WHEN DISSIMILAR CIRCUMSTANCES AND CONDITIONS MAY BE MADE OUT BY RAIL-ROAD COMPETITION.—

Business Men's Association of the State of Minnesota *v.* Chicago, St.  
Paul, Minneapolis and Omaha Railway Company.  
Business Men's Association of the State of Minnesota *v.* Chicago and  
North-Western Railway Company.

WHEN DISSIMILAR CIRCUMSTANCES AND CONDITIONS ARE NOT MADE OUT BY RAIL-ROAD COMPETITION.—

Martin *v.* Southern Pacific Company *et al.*  
Second Annual Report of Interstate Commerce Commission.  
Business Men's Association of the State of Minnesota *v.* Chicago, St.  
Paul, Minneapolis and Omaha Railway Company.  
*In re* Chicago, St. Paul and Kansas City Railway Company.

EQUAL MILEAGE RATES OFTEN PREVENT.—

New Orleans Cotton Exchange *v.* Cincinnati, New Orleans and Texas  
Pacific Railway Company *et al.*

WHEN NOT AN EXCUSE FOR UNJUST RELATIVE RATES.—

Logan *et al.* *v.* Chicago and North-Western Railway Company.

COMPLAINT.

MUST BE SUPPORTED BY PROOF.—

Holbrook *v.* St. Paul, Minneapolis and Manitoba Railroad Company.  
Fulton *v.* Chicago, St. Paul, Minneapolis and Omaha Railroad Com-  
pany.  
Harding *v.* Same company.

FORM OF.—

*See* Petition; Parties; Amendment; Rules of Practice.

INVESTIGATION WHEN NO PERSONAL GRIEVANCE PROVED.—

Smith *v.* Northern Pacific Railroad Company.

WHEN NOT ADJUDICATED.—When after trial, but before decision, the defendant con-  
cedes the relief sought and reduces its tariff to the rates claimed by the peti-  
tioner, no order is required to be made by the Commission.

Manufacturers' and Jobbers' Union of Mankato *v.* Minneapolis and  
St. Louis Railroad Company *et al.*

WHEN NOT ENTERTAINED BY COMMISSION.—No reasonable ground appearing.

La Crosse Manufacturers and Jobbers' Union *v.* Chicago, Milwaukee  
and St. Paul Railway Company.  
Ottinger *v.* Southern Pacific Company.

AMENDMENTS OF.—The Commission is liberal in allowing an amendment to com-  
plaints, but will not allow one that would be in effect making a new case.

Delaware State Grange, etc., *v.* New York, Philadelphia and Norfolk  
Railroad Company *et al.*

Amendment is not necessary to bring in matters that would have been the sub-  
ject of proof under the complaint as originally filed. *Id.*



**WHEN NOT FAVORED.**—A complaint made for the purpose of retaliation for a fancied wrong, as to get even with a carrier for revocation of complainant's pass, does not commend itself to the Commission.

*Slater v. Northern Pacific Railroad Company.*

**INFORMAL.**—

Second Annual Report of Interstate Commerce Commission.

**PARTIES.**—Where a complaint is made against the reasonableness of through rates agreed upon by several connecting lines, it is necessary to make all of such connecting lines parties defendant.

*Michigan Congress Water Company v. Chicago and Grand Trunk Railway Company.*

*See Act to Regulate Commerce ; Parties.*

**WHEN INSUFFICIENT.**—When a complaint charged that the respondent railroad companies, which were common carriers, subject to the act to regulate commerce, were accustomed to make deductions of from 5 to 10 pounds of wheat per load from the true weight when delivered by the farmer to the buyer at the elevators of the respondents, and gave receipt to the farmer for the amount as thus diminished, upon which the latter was paid by the buyer, thereby suffering a loss to the extent of such reduction, but failed to charge that the wheat was delivered for interstate transportation, or, indeed, for transportation anywhere, it was *held* that the complaint was insufficient in substance to show violation of the act to regulate commerce, and that the respondents were entitled to have it dismissed on their motions to that effect, but that the dismissal should be without prejudice.

*White v. The Michigan Central Railroad Company and the Lake Shore and Michigan Southern Railway Company.*

## COST OF CARRIAGE.

**IS AN IMPORTANT FACT IN TRANSPORTATION CHARGES.**—

*In re Louisville and Nashville Railroad Company ; Boston Chamber of Commerce v. Lake Shore and Michigan Southern Railway Company ; Evans v. Oregon Railway and Navigation Company.*

**OF LONG-HAUL TRAFFIC NOT TO BE IMPOSED ON LOCAL TRAFFIC.**—(*Ib.*)

**DIFFICULTY OF DETERMINING.**—(*Ib.*)

**ELEMENTS ENTERING INTO.**—

First Annual Report of Interstate Commerce Commission.

**DIFFERENCE BETWEEN, ON THROUGH AND LOCAL TRAFFIC.**—

*Business Men's Association of the State of Minnesota v. Chicago and North-Western Railway Company.*

**MILK TRANSPORTATION.**—The elements of extra expense are substantially the same upon milk transported from every part of the line of road over which the special milk trains run.

*Howell et al. v. New York, Lake Erie and Western Railroad Company et al.*

**EXCEPTIONAL CIRCUMSTANCES AND CONDITIONS CAUSED BY.**—

*Rice, Robinson & Witherop v. Western New York and Pennsylvania Railroad Company.*

**LOCAL AND THROUGH TRAFFIC.**—Through rates should not be made so low as to burden other business with a part of the cost of the business upon which it is imposed.

*Lippman & Co. v. Illinois Central Railroad Company.*

## CONCESSION OF RELIEF.

## TERMINATES THE CONTROVERSY.—

Manufacturers and Jobbers' Union of Mankato *v.* Minneapolis and  
 St. Louis Railroad Company *et al.*  
 Second Annual Report of Interstate Commerce Commission.  
 Bishop *v.* Duval, receiver, etc.  
 Harris *v.* Duval, receiver, etc., *et al.*

## CONSTRUCTION.

Lincoln Board of Trade *v.* Union Pacific Railway Company *et al.*  
 Pennsylvania Company *v.* Louisville, New Albany and Chicago  
 Railroad Company.  
 Chicago, St. Louis and Pittsburgh Railroad Company *v.* Cleveland,  
 Cincinnati, Chicago and St. Louis Railway Company.  
*See* Jurisdiction; Long and Short Haul clause; Act to Regulate Com-  
 merce; Practice; Interstate Commerce Commission; Classification.

## COMMERCE.

DESTINED TO AN ADJACENT FOREIGN COUNTRY.—Under the provisions of the act  
 the Grand Trunk Railway Company of Canada is required to print, post  
 and file its schedule of rates and charges for the transportation of property  
 from points in the United States to points in Canada, and can not lawfully  
 charge, demand or receive from any person or persons a less compensation  
 therefor, or for any services in connection therewith, than is specified in such  
 published schedule as may at the time be in force.

*In re* Acts and Doings of the Grand Trunk Railway Company of  
 Canada.

## CONTINUOUS CARRIAGE OF FREIGHTS.

INTERRUPTIONS.—Continuous carriage of freights can not be prevented from being  
 treated as one continuous carriage from the place of shipment to the place  
 of destination by any means or devices intended to evade any of the pro-  
 visions of the act.

*In re* Acts and Doings of the Grand Trunk Railway Company of  
 Canada.

## EVIDENCE.

PROOF REQUIRED.—When no evidence whatever is presented to sustain the allega-  
 tions of a complaint which are denied by the answer, the case must be dis-  
 missed without prejudice.

Leonard *v.* Union Pacific Railway Company.

TO REBUT INTERFERENCE OF UNJUST DISCRIMINATION.—Course of dealing between  
 parties may be shown, and circumstances showing good faith and absence of  
 unfriendly spirit.

Riddle, Dean & Company *v.* Baltimore and Ohio Railroad Company.

PRESUMPTION.—If a railroad company avows a purpose to comply with the law, it  
 must be assumed that it will do so and is doing so, until there is evidence  
 that the purpose is not lived up to.

Holbrook *v.* St. Paul, Minneapolis and Manitoba Railroad Company.

CONSTRUCTION OF CLASSIFICATION.—Railway officials who have made a classification  
 can not testify to their understanding of its construction.

Hurlburt *v.* Lake Shore and Michigan Southern Railway Company,  
 Hurlburt *v.* Pennsylvania Railroad Company.

## CONSTRUCTION OF CLASSIFICATION.—Continued.

It is competent to prove by the testimony of witnesses in what sense terms of art or terms peculiar to any occupation or business are used by those engaged in such occupation or business. But when such terms are made use of in a classification sheet to designate the product of a particular employment, they are supposed to be used as understood in that employment, and it is not competent for railroad experts, when the meaning of the classification is in question, to testify in what sense they are understood in transportation circle. (*Ib.*)

PREFERENCE AND ADVANTAGE.—Without some proof of damage resulting to complainants, the advantage in rates as related to distance is not necessarily undue or unreasonable, no substantial difference in expense appearing to exist.

Howell *et al.* v. New York, Lake Erie and Western Railroad Company *et al.*

ADDITIONAL.—The Commission is not willing to determine the relative reasonableness of rates at any stations, and in a large extent of territory, upon the mere face of tariffs and without further proof.

Spartanburg Board of Trade v. Richmond and Danville Railroad Company *et al.*

Where it is obvious that there are many parties interested as directly as is the complainant in the question before the Commission, opportunity will be given them to appear at the taking of evidence. (*Ib.*)

A case fully submitted without evidence ordered adjourned to a future day for the purpose of taking evidence on the principle above stated. (*Ib.*)

See Proof; Burden of Proof; Preference and Advantage; Depositions.

## EXPORT RATES.

THROUGH.—It is essential that any method for making rates should be practicable, and not afford a cover for discrimination and injustice. The only practicable mode yet devised for making through export rates, as appears by past experience, is to add to the established inland rates from the interior to the sea-board the current ocean rates.

New York Produce Exchange v. New York Central and Hudson River Railroad Company *et al.*

Under the amendments of March 2, 1889, to the statute requiring ten days' previous notice of advance and three days' previous notice of reductions in rates, they can not be varied from day to day or oftener to meet fluctuations in ocean rates. (*Ib.*)

Whenever a tariff is established for merchandise billed or intended for export by sea, and ocean rates are not specified, either because of fluctuations or for any other reason, so that only the charge for inland transportation is definitely fixed, the tariff as filed and made public should show the rate charged by the inland carrier or carriers to the point of export, including all terminal charges and expenses, and should also show in what manner the through rate to the ultimate point of destination is to be determined, whether by addition of the ocean rate from time to time prevailing or how otherwise. (*Ib.*)



## EXPRESS COMPANIES.

## STATUS OF, UNDER ACT TO REGULATE COMMERCE:

First Annual Report of Interstate Commerce Commission.

HOW RELATED TO THE ACT.—The mere fact that a common carrier does other business besides the transportation of passengers and property, or performs a further service than that of transportation in respect to the articles carried, *Held*, not sufficient to exclude the carrier from the operation of the act so far as applicable to its business.

*In re Express Companies.*

The relation of express companies to interstate commerce considered, together with the extent and measure of their participation therein. The bringing them within the provisions of the act found practicable, and on some accounts desirable. (*Ib.*)

Express business conducted as a branch of the business of a railroad company, *Held* to be subject to the act. (*Ib.*)

Express business conducted by an independent organization acquiring transportation rights by contract, *Held*, not to be described in the act with sufficient precision to warrant the Commission in taking jurisdiction thereof. (*Ib.*)

See Second Annual Report of Interstate Commerce Commission.

## FACILITIES FOR TRAFFIC.

## EQUALITY IN.

Chicago and Alton Railroad Company *v.* Pennsylvania Railroad Company; Heck & Petree *v.* East Tennessee, Virginia and Georgia Railroad Company.

The Kentucky and Indiana Bridge Company has the chartered powers of a common carrier and is such *de facto*. It is therefore, under the act to regulate commerce, entitled to demand of railroad companies, whose lines are intersected by its tracks, the same reasonable, proper and equal facilities for the interchange of traffic, and for the receiving, forwarding and delivering of property that may be lawfully demanded by other carriers under that act.

Kentucky and Indiana Bridge Company *v.* Louisville and Nashville Railroad Company.

The Louisville and Nashville Railroad Company united with other companies having lines terminating on the Ohio River at or opposite Louisville in a contract, whereby it was agreed that all their business across the river at that point should be taken over the Louisville bridge. A new bridge being constructed over the river at this point, one of the railroad companies which had contracted to take all its business over the old bridge, transferred the business to the new bridge. The Louisville and Nashville Railroad Company, thereupon refused to receive for transportation over its line any freights which had been brought over the new bridge in violation of the contract made with it, *Held*, that this refusal was unlawful. (*Ib.*)

A common carrier by rail to which property is offered for transportation can not in this indirect manner, and by refusal to perform obligations imposed by law upon it, enforce its contracts, but must for that purpose resort to the customary remedies. (*Ib.*)

Nor can a common carrier, as a reason for refusal to afford to another common carrier the customary, reasonable and equal facilities for the interchange of traffic, assign the fact that such other common carrier supplies no public necessities, the public having been fully accommodated without it. All railroads created by competent public authority must be conclusively presumed to be public conveniences, and other common carriers can not refuse to exchange traffic with them on any suggestion or showing to the contrary. (*Ib.*)

**THROUGH ROUTES AND THROUGH RATES.**—English legislation and the procedure thereunder in respect to applications by carriers to be admitted to through routes and to participate in through rates stated; and principles there applied explained.

*Little Rock and Memphis Railroad Company v. East Tennessee, Virginia and Georgia Railway Company et al.*

The act to regulate commerce was probably intended to effect similar results, but in its present form and in the absence of the necessary machinery it is not adequate to afford the relief prayed in the petition. (*Ib.*)

Recommendations of second annual report for amendment of section 3 renewed. (*Ib.*)

*Kentucky and Indiana Bridge Company v. Louisville and Nashville Railroad Company* (2 I. C. C. Rep., 162), referred to and explained. (*Ib.*)

*See Carriers.*

### INTERSTATE COMMERCE.

**WHAT IS NOT.**—Where the transportation is from one point to another in the same State it is not interstate traffic, even though it be intended to be taken up by another carrier and delivered in another State.

*In re Missouri and Illinois Railroad Tie and Lumber Company v. The Cape Girardeau and Southwestern Railway Company.*

Traffic originating in the State of New Jersey and destined to the city of New York, but delivered by the defendant to the consignees at Jersey City in New Jersey, upon which the rates of defendant are made not to New York, but to Jersey City, is not interstate so far as defendants conduct it, and the Commission has no jurisdiction over their rates.

*New Jersey Fruit Exchange v. Central Railroad Company of New Jersey et al.*

**WHAT CONSTITUTES.**—Commerce between points in the same State, but which in being carried from one place to another passes through another State, is interstate commerce, and subject to regulation by the provisions of the act to regulate commerce.

*New Orleans Cotton Exchange v. Cincinnati, New Orleans, and Texas Pacific Railway Company et al.*

A railroad company chartered by the State of Tennessee owns a short road wholly within that State, but has never owned any rolling stock or operated its roads; the road was used and operated as a means of conducting interstate traffic in coal by other companies owning connecting interstate roads. *Held*, that the shorter road thus used is one of the facilities and instrumentalities of interstate commerce, and the carriers using it are subject to the provisions of the act to regulate commerce.

*Heck & Petree v. East Tennessee, Virginia and Georgia Railroad.*

In respect to such traffic the duties of such carriers to the public are the same without regard to the ownership or corporate control—the authority or means of its construction. (*Ib.*)

As one of the instrumentalities of shipment or carriage it must be accessible to all interstate shippers on equal and reasonable terms. The public can not be deprived of this right by the separate or joint action of the carriers, and they can not be permitted to use them for the purposes of discrimination between mine owners on its line. (*Ib.*)

An averment that the respondents were interstate common carriers subject to the act to regulate commerce was not of itself sufficient to warrant an inference under a motion to dismiss a complaint for insufficiency, that wheat delivered at an elevator of the respondents was for interstate commerce.

*White v. The Michigan Central Railroad Company et al.*

REGULATION OF, BY FEDERAL GOVERNMENT.—The grant to the Federal Government of the power to regulate interstate commerce is full and complete, and can not be narrowed or encroached upon by State authority, either directly or indirectly.

Leonard & Chapelle v. Chicago and Alton Railroad Company.

### INTERSTATE COMMERCE COMMISSION.

ABSTRACT QUESTIONS WILL NOT BE ANSWERED.—The Commission will not in general give decisions or undertake to construe the statute on *ex parte* applications.

*See Abstract Questions.*

POWER UNDER FOURTH SECTION OF ACT LIMITED.—The Commission has no power under the statute to grant special privileges or to suspend the fourth section of the act for the benefit of particular industries.

*In re Iowa Barbed Steel Wire Company.*

*In re St. Louis Millers' Association.*

While authorized to permit exceptions under certain circumstances indicated, the Commission is not empowered in any case to require exceptions.

*Thacher v. Delaware and Hudson Canal Company et al.*

RELIEF UNDER FOURTH SECTION.—The Commission will not make an order for relief under the fourth section of the act, except upon verified petition, and after an investigation into the facts.

*In re Southern Pacific Company.*

*In re Iowa Barbed Steel Wire Company.*

TARIFFS UNDER FOURTH SECTION.—The Commission does not consider it necessary or expedient to make formal suggestions in respect to the framing of tariffs.

*In re of Tariffs of the Columbus and Western Railway Company.*

PETITION NOT NECESSARILY ENTERTAINED.—A petition will not be entertained when the result will obviously be its dismissal, in conformity with principles announced in a case already decided.

*La Crosse Manufacturers and Jobbers' Union v. Chicago, Milwaukee and St. Paul Railway Company.*

Petition not entertained when presented by a party having no apparent interest in the transaction, the affidavit of the real party being annexed.

*Ottinger v. The Southern Pacific Company.*

INVESTIGATION BY.—Where one makes complaint under the act to regulate commerce and sets up a personal grievance which he fails to prove the Commission may, nevertheless, if a violation of law by the defendant appears, retain the case and take the necessary steps to bring such violation of law to an end.

*Smith v. Northern Pacific Railroad Company.*

*Boston and Albany Railroad Company v. Boston and Lowell Railroad Company et al.*

*In re Underbilling.*

WHEN IT WILL NOT AWARD DAMAGES, OR COUNSEL OR ATTORNEYS' FEES.—

*Councill v. Western and Atlantic Railroad Company.*

JURISDICTION STRICTLY STATUTORY.—

*In re Express Companies.*

ORDER NOT RETROACTIVE.—

*Farrar & Co. v. East Tennessee, Virginia and Georgia Railway Company.*

JURISDICTION.—The Commission has no jurisdiction over the rates of traffic originating in New Jersey and destined to the city of New York, when the rates are only made to Jersey City and delivery to consignee is made at that point.

*New Jersey Fruit Exchange v. Central Railroad Company of New Jersey et al.*



**INCREASE OF UNREASONABLY LOW RATES.**—The Commission has no power to order rates to be increased upon the ground that they are so low that persistence in making them would be ruinous.

*In re* Chicago, St. Paul and Kansas City Railway Company.

The act to regulate commerce assumes that the carriers, in their power to make rates, have ample remedy to protect against rates which are unreasonably low. (*Ib.*)

**IMMIGRANT TRANSPORTATION.**—The matter of the reception of immigrants at the port of New York having been put by the laws of the State under the control of a Board of Commissioners of Emigration, and that Board having made such regulations as it has deemed desirable for the protection of the emigrants until they are ticketed and put on board railroad trains for their respective ultimate destination, and the Federal Government, through its Legislative and Executive Departments, having sanctioned the control by the Commissioners of Emigration, the Interstate Commerce Commission has no authority to interfere with their regulations.

*Savery & Co. v. New York Central and Hudson River Railroad Company et al.*

Not having the authority to interfere directly and control the Commissioners of Emigration, it can not do so indirectly by inhibiting the railroad companies from carrying out the arrangement made by the Commissioners with them. (*Ib.*)

**COMPLAINT, WHEN NOT FAVORED.**—A complaint made for the purpose of retaliation for a fancied wrong, as to get even with a carrier for the revocation of complainant's pass, does not commend itself to the Commission.

*Slater v. Northern Pacific Railroad Company.*

**WHEN REHEARING WILL NOT BE GRANTED BY.**—

*In re* Petition of Produce Exchange of Toledo.

**NO POWER TO COMPEL JOINT ARRANGEMENT BETWEEN WATER AND RAIL LINES.**—

*In re* Joint Water and Rail Lines.

**NOTICE OF CHANGES IN JOINT RATES MUST BE GIVEN TO.**—

*In re* Joint Tariffs, Circular.

**INVESTIGATIONS BY.**—Investigation by the Commission on its own motion concerning course pursued by certain carriers in respect to compliance with the provisions of the act to regulate commerce.

*In re* Tariffs and Classifications of Atlanta and West Point Railroad Company *et al.*

The Interstate Commerce Commission has authority to institute investigations and to deal with violations of the law independent of a former complaint or of direct damage to a complainant.

*In re* Acts and Doings of the Grand Trunk Railway Company of Canada.

A case was heard solely upon the respondents' motions to dismiss the complaint for insufficiency of its allegations to show violations of the act to regulate commerce, but the complainant having filed some depositions taken before the hearing of said motions, the Commission looked into this evidence with a view of seeing what light it shed upon the general claim of unlawful practice by the respondents, and upon the duty of the Commission to proceed against them on its own motion.

*White v. The Michigan Central Railroad Company et al.*

*See* Act to Regulate Commerce; Practice; Report of Interstate Commerce Commission; Jurisdiction.

## JOINT TARIFFS.

**PUBLICATION OF—**

*In re* Tariffs of Transcontinental Lines order for publication of Joint Tariffs.

NEED NOT BE DUPLICATED.—On receipt of a written statement from each corporation acknowledging the authority of any association, committee or other traffic combination to issue tariffs in its behalf, schedules filed by such association, etc., will be credited to each road in the organization which so requests.

*In re Joint Tariffs and Schedules.*

FILING OF, WITH COMMISSION.—

First Annual Report of Interstate Commerce Commission.

EXPORT.—

Order for publication of.

CIRCULAR CONCERNING FILING.—

By roads located wholly in one State.

FILING AND PUBLICATION OF.—

*In re Joint Tariffs.*

NOTICES OF CHANGES IN. (*Ib.*)

*See Tariffs.*

### LIVE STOCK.

*Logan et al. v. Chicago and North-Western Railway Company.*

DUTY OF CARRIERS.—The duty of carriers in respect to the transportation of live stock is not fully discharged by receiving and delivering the same at a depot access to which must be purchased.

*Keith v. Kentucky Central Railroad Company et al.*

USE OF YARDS.—When a carrier of live stock has undertaken to give to a stock-yard company an exclusive right, with the privilege of charging lottage for the use of its yards, and complainants have established chutes of their own, adjacent to the track, through which they demand the right to receive and deliver stock for themselves and their customers. *Held*, that the conveniences so furnished being suitable, their demands must be complied with. (*Ib.*)

PATENT STOCK-CARS.—Transportation of live stock in, considered.

*Burton Stock Car Company v. Chicago, Burlington and Quincy Railroad Company et al.*

CAR-LOT RATES ON LIVE CATTLE.—

*Leonard & Chapelle v. Chicago and Alton Railroad Company.*

### LONG AND SHORT HAUL CLAUSE.

CONSTRUCTION OF.—On questions of statutory construction, in such cases the Commission holds:

First. That the prohibition in the fourth section of the act to regulate commerce against a greater charge for a shorter than for a longer distance over the same line in the same direction, the shorter being included in the longer distance, as qualified therein, is limited to cases in which the circumstances and conditions are substantially similar.

Second. That the phrase, "under substantially similar circumstances and conditions," in the fourth section, is used in the same sense as in the second section; and under the qualified form of the prohibition in the fourth section carriers are required to judge in the first instance with regard to the similarity of dissimilarity of the circumstances and conditions that forbid or permit a greater charge for a shorter distance.

Third. That the judgment of carriers in respect to the circumstances and conditions is not final, but is subject to the authority of the Commission and of the courts to decide whether error has been committed, or whether the statute has been violated. And in case of complaint for violating the fourth section of the act the burden of proof is on the carrier to justify any departure from the general rule prescribed by the statute, by showing that the circumstances and conditions are substantially dissimilar.

Fourth. That the provisions of section 1, requiring charges to be reasonable

## CONSTRUCTION OF—Continued.

and just, and of section 2, forbidding unjust discrimination, apply when exceptional charges are made under section 4, as they do in other cases.

Fifth. That the existence of actual competition, which is of controlling force, in respect to traffic important in amount, may make out the dissimilar circumstances and conditions entitling the carrier to charge less for the longer than for the shorter haul over the same line in the same direction, the shorter being included in the longer in the following cases:

When competition is with carriers by water which are not subject to the provisions of the statute.

When competition is with foreign or other railroads which are not subject to the provisions of the statute.

In rare and peculiar cases of competition between railroads which are subject to the statute, when a strict application of the general rule of the statute would be destructive of legitimate competition.

Sixth. The Commission further decides that when a greater charge in the aggregate is made for the transportation of passengers, or the like kind of property, for a shorter than for a longer distance over the same line in the same direction, the shorter being included in the longer distance, it is not sufficient justification therefor that the traffic which is subjected to such greater charge is way or local traffic and that which is given the more favorable rates is not.

Nor is it sufficient justification for such greater charge that the short-haul traffic is more expensive to the carrier, unless when the circumstances are such as to make it exceptionally expensive, or the long-haul traffic exceptionally inexpensive, the difference being extraordinary and susceptible of definite proof.

Nor that the lesser charge on the longer haul has for its motive the encouragement of manufactures or some other branch of industry.

Nor that it is designed to build up business or trade centers.

Nor that the lesser charge on the longer haul is merely a continuation of the favorable rates under which trade centers or industrial establishments have been built up. The fact that long-haul traffic will bear certain rates is no reason for carrying it for less than cost at the expense of other traffic.

*In re Louisville and Nashville Railroad Company.*

CIRCUMSTANCES AND CONDITIONS.—The words “substantially similar circumstances and conditions” as found in the second and fourth sections of the act to regulate commerce, in certain important particulars define the rights and duties of carriers and the rights of shippers as well. For example: If the carrier claims to act under the compulsion of circumstances and conditions of his own creation or connivance in the making of an exceptional rate, then these will not avail him; or if the carrier claims to act under a compulsion of circumstances and conditions in the making of an exceptional rate which he could obviate by reasonably fair and just exertion on his part, then they will not avail him; but if the carrier is in good faith acting under a compulsion of circumstances and conditions beyond his control, not of his own connivance, and which he could not obviate by any reasonably fair and just effort on his part, and to avoid large loss adopts exceptional rates on a portion of his line, not unreasonable in themselves, and forced upon him by the action of an independent State railroad which is not subject to the act to regulate commerce, and which is operating a slightly shorter and competing line with his own, these are circumstances and conditions under the operation of the statute which justify him in adopting such exceptional rates thus forced upon him on this portion of his line.

*Business Men’s Association of the State of Minnesota v. Chicago, St. Paul, Minneapolis and Omaha Railway Company.*



**APPLICATION OF.**—The Commission will not make an order the effect of which would be to bring other rates into conflict with the fourth section of the act to regulate commerce.

*Thacher v. Delaware and Hudson Canal Company et al.*

**EXCEPTIONS UNDER.**—When a railroad claims that the circumstances and conditions of long and short hauls on its lines are so dissimilar as to justify its making the greater charge on the shorter haul, the Commission will not on its petition decide on the justice of its claim; but will leave it to take the initiative in fixing rates, and will decide upon their justice and propriety when complaint is made by persons or localities who consider themselves injured.

*In re Louisville and Nashville Railroad Company.*

Facts and considerations stated which are not regarded as sufficient to warrant the deviation from the rule of the fourth section found in certain tariffs.

*In re the Tariffs of the Columbus and Western Railway Company.*

**EXCEPTIONS UNDER, MAY CAUSE VIOLATIONS OF SECOND AND THIRD SECTIONS.**—

Discriminations are made and undue advantages are given by the special tariffs in question, in giving different rates to places named and those not named; to manufactured articles named and those not named; to jobbers at places named and those not named; to manufacturers, jobbers and other dealers.

*In re Tariffs of Transcontinental Lines.*

**PARTIES TO LONG-HAUL RATES.**—All companies forming a line for long-haul traffic are properly made defendants in petition charging violation of fourth section.

*Boston and Albany Railroad Company v. Boston and Lowell Railroad Company et al.*

**OVER THE SAME LINE.**—By the words “same line” a physical line is meant, not a mere business arrangement; and one piece of road may be part of several lines. (*Ib.*)

**FAST FREIGHT LINE.**—The fact that the tariff for the long-haul traffic is made by a fast freight line does not justify a violation of the section. (*Ib.*)

**COMPETITION.**—The real and actual, not the possible competition are the circumstances which should be considered when such greater charges are in question. (*Ib.*)

**CIRCUITOUS ROUTE.**—Under the circumstances stated, the fact that a line is long and circuitous and is obliged to make concessions in its charges in order to share in traffic, will not make out the dissimilar circumstances and conditions indicated by the fourth section. (*Ib.*)

**WHAT DOES NOT VIOLATE.**—Rates named by a carrier do not violate the fourth section when it appears that on its own line the charges are greater for the longer distance, and the through charges by the shorter line are only made greater by the fact that the connecting road which has the shorter line makes higher rates than the connecting road which has the longer line.

*Allen v. Louisville, New Albany and Chicago Railway Company.*

Cases stated showing no violation of the long and short haul clause. (*Ib.*)

**SEVERAL ROADS PARTICIPATING.**—Where the purpose of a complaint is to compel a reduction of through rates from a western point over several roads to a sea-board city, all the roads constituting the line should be parties. (*Ib.*)

**WATER COMPETITION.**—Where the real competition for long-haul traffic is by railroad the fact that there is also possible water competition will not of itself constitute the dissimilar circumstances and conditions which will support greater charges on shorter than on longer hauls.

*Boston and Albany Railroad Company v. Boston and Lowell Railroad Company et al.*

The mere fact that a point is situated upon a navigable stream held not sufficient

**WATER COMPETITION—Continued.**

of itself to justify the lesser charge for a longer haul to such a point. Water competition to furnish such justification should be actual, of controlling force, and in respect to traffic important in amount.

*Harwell v. Columbus and Western Railroad Company.*

**CONSTRUCTION CLAUSE STATED.—**

First Annual Report of Interstate Commerce Commission.

**DIFFERENCES IN CLASSIFICATION MAY VIOLATE.—**

Violation of the fourth section of the act can be accomplished by differences in classification as well as by differences in tariff rates.

*Martin v. Southern Pacific Company.*

**RAILROAD COMPETITION.**—Canadian competition at the present time does not justify a higher charge from San Francisco to Denver than to Kansas City, it having been withdrawn at the latter point and the Canadian road now working upon an agreement as to rates with the roads in the United States at all points where it formerly competed. (*Ib.*)

The great distance of Denver from the Missouri River, of itself, denotes an impropriety in the charges to that point, which exceed those to Kansas City. (*Ib.*)

*In re Louisville and Nashville Railroad Company* (I. C. C. Rep., 31), affirmed and in accordance with the principles there laid down, the conclusion follows that the greater charge for the shorter haul, complained of in the present case, can not now be justified. (*Ib.*)

**LOCALITIES.**—The operation of the fourth section of the act controls the extent to which Missouri River rates extend into the interior of Nebraska and Kansas; Lincoln and other towns lying west of that line must accept their geographical situation and its consequences.

*Lincoln Board of Trade v. Missouri Pacific Railway Company.*

The general plan upon which rates are constructed from Chicago to St. Louis, to Missouri River points and Nebraska points are approved, no better system being as yet suggested. Difficulties which might result from throwing this system into confusion stated. (*Ib.*)

**CARRIER CALLED UPON TO JUSTIFY VIOLATION AT PUBLIC HEARING.**—A railroad company which, for causes not apparently affected by water competition or by the competition by carriers not subject to the act to regulate commerce, had issued rate sheets, which in many cases made for the transportation of like freights the greater charge for the shorter haul on the same line in the same direction, the shorter being included in the longer distance, was called upon to justify such rate sheets at a public hearing.

*In re Chicago, St. Paul and Kansas City Railway Company.*

**RAILROAD COMPETITION BETWEEN TERMINALS.**—The showing by respondent that a competitor for business between the termini of its line makes charges for the transportation of freight which are below what are reasonable and just to the carrier itself, does not alone make out the dissimilar circumstances and conditions entitling the respondent to make charges for the transportation of freights from one terminus to an intermediate station, which are greater than those made for the transportation of like freights from the same terminus to the other. (*Ib.*)

A leading purpose of the act to regulate commerce is to prevent the giving of unjust preferences and advantages, as between localities in railroad transportation. This purpose would be defeated if any one carrier by making an unreasonably low rate to any locality, would thereby entitle all other carriers competing with it to make on their lines greater charges upon the shorter hauls to other stations than were made over the same line in the same direction to the locality thus favored. (*Ib.*)

**MILK RATES.**—The existing arrangement by which the same rate is charged for the transportation of milk from all points reached by the regular dairy milk trains of the defendant road found not to be illegal, and on the whole to be the best system that can be devised for the general good of all interested parties.

*Howell et al. v. New York, Lake Erie and Western Railroad Company et al.*

**BURDEN OF PROOF.**—Where, on a question of rates, it appears that higher rates are made upon the shorter hauls on the same line and in the same direction, the carrier making them must take the burden of proof to show their reasonableness.

*Spartanburg Board of Trade v. Richmond and Danville Railroad Company et al.*

**PROCEEDINGS OF THE COMMISSION UNDER THE FOURTH SECTION STATED.**—Second Annual Report of the Interstate Commerce Commission.

**CONCESSION OF RATES BEFORE DECISION.**—In several cases where a violation of the fourth section was complained of, the defendants, before decision was rendered, changed their tariffs so as to give to Lincoln the same rates from the Pacific coast that were given to Omaha. As this was all that could be claimed in respect to rates for the future, the Commission abstained from any expression of opinion and gave leave to withdraw the petitions.

Second Annual Report of Interstate Commerce Commission.

**PASSENGER RATES.**—Reductions in competitive passenger rates can not be legally made without at the same time reducing intermediate rates, as required by the fourth section of the act.

*In re Passenger Tariffs and Rate Wars.*

**GROUP RATES.**—Group rates may be properly made from a large number of mines composing a coal mining district extending across the State of Illinois, to points in western Wisconsin, Minnesota and Dakota, the distance from each part of the group by same route, being substantially a fair equivalent of the distance of other parts, and commercial necessities being substantially the same for all.

*Rend v Chicago and North-Western Railway Company.*

A reduction of the rates on local shipments from Chicago to the proportion received by the Northwestern lines upon the division of the through rates would involve either a general reduction from the entire group under the short-haul clause of the law or an abandonment by defendant of the through rates in question, neither of which would benefit complainant, while both would do great injury to all other interests. (*Ib.*)

A group rate is not unlawful merely on account of differences in the geographical location of different producers and their respective distances from the market.

*Imperial Coal Company et al. v. Pittsburgh and Lake Erie Railroad Company et al.*

**PROPORTIONS OF RATES TO PARTICIPATING ROADS.**—The question of a greater charge in the aggregate for a shorter than for a longer distance over the same line in the same direction is not to be determined by the proportion allotted to different points on the line, but by the rate as an entirety. (*Ib.*)

**THROUGH RATES.**—Through rates are not necessarily illegal which, when divided between carriers, give them less than their local rate, *provided* that the through rate itself is not less than some one of the local, or unjustly discriminating against individuals or localities, or so low as to burden other business with part of the cost of the business upon which it is imposed.

*Lippman & Co. v. Illinois Central Railroad Company.*



**DIFFERENT LINES OF THE SAME CARRIER.**—The Chicago and North-Western Railway Company has two routes or lines between Chicago and Sioux City, formed by its main line and different branch lines, and a greater charge for a shorter than for a longer distance, in the same direction, the shorter being included in the longer distance, on either of said routes or lines, is unlawful under the fourth section of the act to regulate commerce.

*Logan et al. v. Chicago and North-Western Railway Company.*

**TARIFFS AND CLASSIFICATIONS.**—Investigations by the Commission on its own motion concerning course pursued by certain carriers in respect to compliance with the provisions of the act to regulate commerce.

*In re Tariffs and Classifications of Atlanta and West Point Railroad Company et al.*

Results, as ascertained, stated and recommendations made for further advances in the direction of conformity to the law. (*Ib.*)

Short-haul clause, principles giving application of, as heretofore announced by the Commission, again affirmed and applied. (*Ib.*)

**WHEN COMBINED COMPETITION BY RAIL AND WATER DO NOT JUSTIFY.**—The presence of combined rail and water competition at a longer distance point does not justify a greater charge for a shorter distance while the carrier maintains the shorter distance rate where such competition is of greater force and more controlling than at the longer distance point.

*James & Abbott v. East Tennessee, Virginia and Georgia Railway Company et al.*

**WHERE FREIGHTS HAVE PAID LOCAL RATES.**—Nor does the fact that the freight is lumber which has paid a local rate over the roads of the defendants or of other railroad companies to the longer distance point justify such greater charge for a shorter distance. (*Ib.*)

**EMPTY CARS AND RETURN LOADS.**—Nor is such greater charge justified by the fact that the lumber business of the roads of a connecting line or any of them was done in cars which carried machinery to the longer distance point when the profitable return loads were not always to be had. (*Ib.*)

**BULK AND VALUE OF THE FREIGHT.**—Nor does a difference in the bulk and value of lumber justify such greater charge when the carriers in their published rate sheets put the lumber in the same class and at the same rate. (*Ib.*)

#### MILEAGE TICKETS.

**ISSUANCE OF.**—Authorized by section 22 of the act to regulate commerce.

*Larrison v. Chicago and Grand Trunk Railway Company.*

*Associated Wholesale Grocers of St. Louis v. Missouri Pacific Railway Company.*

Authorization of, does not relieve carriers from requirements of reasonableness and impartiality as to rates charged, which are prescribed by other sections of the act. (*Ib.*)

Special contract limiting liability of carrier in mileage tickets to commercial travelers will not justify a lower rate than is charged the public, when same terms are not offered to all who will not accept such special contracts. (*Ib.*)

Must be sold impartially. (*Ib.*)

**ABUSES IN ISSUING.**—Existing methods respecting excursion and mileage tickets considered, and found to lead to various abuses.

*In re Passenger and Rate Wars.*

**MUST BE IMPARTIALLY OFFERED.**—

*In re Passenger Tariffs.*

**RATES MUST BE PUBLISHED.**—(*Ib.*)

**APPLICATION OF THE LAW TO.**—The general requirements of the act to regulate commerce, as amended, are as applicable to mileage, excursion or commutation tickets as to any others. (*Ib.*)

## MILLING IN TRANSIT.

**NO AUTHORITY TO COMPEL.**—Milling in transit having long been permitted by common carriers to millers at some points, and a large quantity of the transits being said to be out which can be and are made use of to give the millers at Minneapolis an advantage in rates over those of St. Louis, the Commission can not correct the wrong by giving or authorizing special rates to the St. Louis millers.

*In re St. Louis Millers' Association.*

*In re Iowa Barbed Steel Wire Company.*

**A FAVOR IN TRANSPORTATION.**—Whether or not the system known as “milling in transit” be objectionable under the act to regulate commerce, it is clear that the Commission has no power to compel the granting of such a favor when the privilege would be in the nature of a concession to a particular locality.

*Crews v. Richmond and Danville Railroad Company.*

*La Crosse Manufacturers and Jobbers' Union v. Chicago, Milwaukee and St. Paul Railway Company.*

**MILLING IN TRANSIT RATES AS A PART OF A THROUGH RATE DISCUSSED.**—

*Chamber of Commerce of the City of Milwaukee v. Flint and Pere Marquette Railroad Company et al.*

## PARTIES.

**PERSONAL INTEREST.**—One may complain on public grounds of a violation of the act to regulate commerce which amounts to a public grievance, without having any personal interest to be affected by the violation except as one of the public.

*Vermont State Grange v. Boston and Lowell Railroad et al.*

**VOLUNTARY ASSOCIATION.**—A voluntary State association of persons engaged in an industrial pursuit may be complainant in proceedings charging a violation of the long and short haul clause of the act. (*Ib.*)

**COMPLAINT UNDER FOURTH SECTION.**—All the roads constituting the line which makes the through rate complained of should be parties to a complaint which seeks to compel a reduction of such through rates.

*Allen v. Louisville, New Albany and Chicago Railway Company.*

**ALL INTERESTED ENTITLED TO BE HEARD.**—Parties affected are entitled to be notified in case a change in rates is asked. No order correcting unjust discrimination made for want of proper parties; amendments allowed, etc.

*Harwell v. Columbus and Western Railroad Company.*

**ABSENCE OF PARTY INTERESTED.**—Where the relation of any carrier to the matter complained of is such that it is in whole or in part materially responsible for the alleged grievance, and has direct interest in any investigation of the subject matter involved, that carrier should be a party to the proceeding, and if not a party no relief can be given against it.

*Riddle, Dean & Co. v. Pittsburgh and Lake Erie Railroad.*

**WHEN INITIAL CARRIER MAY BE MADE SOLE DEFENDANT.**—In a proceeding to correct a classification of freight made by the initial carrier, which freight, before reaching its destination, must pass over the roads of several carriers, it is proper to make all such carriers parties; but if the initial carrier alone is made defendant, the proceeding is not for that reason defective. An order requiring that carrier to make the correction will be effectual for the purposes of all subsequent consignments, and there is no difficulty in its being complied with without asking the consent of others.

*Hurlburt v. Lake Shore and Michigan Southern Railway Company.*

*Hurlburt v. Pennsylvania Railroad Company.*

**PERSONS INTERESTED NEED NOT BE MADE FORMAL.**—Persons having an interest in a question pending before the Commission will be allowed to appear and be heard when the case is being submitted, without their being made formal parties. (*Ib.*)

**ABSENCE OF NECESSARY PARTY.**—When a question of rates as between two carriers is involved, the Commission will express no opinion upon it in a case to which one of the carriers is not a party.

Kentucky and Indiana Bridge Company *v.* Louisville and Nashville Railroad Company.

**WHO ARE NECESSARY.**—The reasonableness of rates can not be fairly determined in a proceeding to which some of the parties responsible for such rates are not parties.

New Orleans Cotton Exchange *v.* Cincinnati, New Orleans and Texas Pacific Railway Company *et al.*

When the reasonableness of through rates agreed upon by several connecting lines is complained of it is necessary to make all such lines parties defendant.

Michigan Congress Water Company *v.* Chicago and Grand Trunk Railway Company.

The rule laid down on this subject in *Allen v. Louisville, New Albany and Chicago Railway Company* (1 I. C. C. Rep., 199), and in *Harwell et al. v. Columbus and Western Railroad Company et al.* (1 I. C. C. Rep., 237), and in *Riddle, Dean & Co. v. Pittsburgh and Lake Erie Railroad Company* (1 I. C. C. Rep. 490), cited and affirmed. (*Ib.*)

See Act to Regulate Commerce; Complaint; Practice.

#### PASSENGERS.

**DISCRIMINATION IN SALE OF TICKETS.**—

Larrison *v.* Chicago and Grand Trunk Railway Company.

Michigan Central Railroad Company *v.* Chicago and Grand Trunk Railway Company.

Associated Wholesale Grocers of St. Louis *v.* Missouri Pacific Railroad Company.

Smith *v.* Northern Pacific Railroad Company.

**COLORED PEOPLE.**—May be properly assigned separate cars on equal terms. Such a separation of the races does not create undue prejudice or unjust preference.

Council v. Western and Atlantic Railroad Company.

Heard *v.* Georgia Railroad Company.

Complainant, a colored man, paid the same fare as other first-class passengers, and it was only fair dealing and common honesty that he should have the security and convenience of travel for which his money had been taken. The fact being found that he did not, the defendant was held guilty of violation of the act to regulate commerce. (*Ib.*)

**IMMIGRANTS.**—

Savery & Co. *v.* New York Central and Hudson River Railroad Company *et al.*

See Party Rates; Passenger Car-load Rates; Rate Wars.

Unjust Discrimination.

#### PENDING PROCEEDINGS.

The amendment of March 2, 1889, expressly provides that it shall have no application to pending proceedings, and as this proceeding was pending at that time, no reparation can be awarded, and the remedy of the petitioner is in the courts.

Rawson *v.* Newport News and Mississippi Valley Company *et al.*



## PRACTICE.

**EVIDENCE REQUIRED.**—When issues of fact are presented a decision can not be made without some evidence upon which to base it.

Leonard *v.* Union Pacific Railway Company.

**ABANDONMENT OF PROCEEDING.**—Petitioner not appearing or being heard from after receiving copy of defendant's answer to his complaint, the Commission assumes that he is satisfied and dismisses the case.

Jackson *v.* St. Louis, Arkansas and Texas Railway Company.

**AFTER RELIEF CONCEDED.**—When after trial, but before decision, the defendant concedes the relief sought and reduces its tariff to the rates claimed by the petitioner, no order is made or opinion announced by the Commission; a report of the facts is made to complete the record of the case.

Manufacturers and Jobbers' Union of Mankato *v.* Minneapolis and St. Louis Railroad Company *et al.*

**CASES AT ISSUE.**—Proceeding to be in the simplest form consistent with reasonable certainty; no replication required. When facts are not agreed upon depositions may be taken on notice, and the work should be entered upon immediately after answer. Assignment for hearing made on request of either party. Parties will be heard orally or upon briefs, as they prefer.

*In re* Procedure in Cases at Issue.

**QUESTIONS OF LAW.**—Dilatory pleadings considered objectionable and a single speedy hearing desired in every case; all proper questions will then be entertained, whether jurisdictional or relating to the merits of the controversy.

*In re* Procedure Concerning Questions of Law.

**COMPLAINT TO, AND ADJUDICATION BY, COMMISSION.**—

First Annual Report of Interstate Commerce Commission.

**ORDER CHANGING RATES NOT RETROACTIVE.**—After decision petitioners raised the question whether they were not entitled to have payments refunded which had been made in excess of the rate now fixed, *Held*, that an order changing the rate was not retroactive, but would reduce the rate from the time of promulgation only.

Farrar & Co. *v.* East Tennessee, Virginia and Georgia Railway Company.

**THEORY.**—A case can not be decided on a theory which is neither presented by the complaint nor advanced at the taking of the testimony.

Martin *et al.* *v.* Chicago, Burlington and Quincy Railroad Company *et al.*

**SEPARATE PROCEEDINGS.**—When the evidence presented in the case is insufficient to determine the reasonableness of rates complained of, the Commission will investigate the question in a separate proceeding under the statute by which all the parties will have opportunity to bring forward all the evidence and be fully heard.

Business Men's Association of the State of Minnesota *v.* Chicago and North-Western Railway Company.

**COLLATERAL INQUIRY.**—When the evidence is introduced for the single purpose of the hearing it may have upon the reasonableness of a rate which would be inadmissible for any other purpose and presents a collateral inquiry, the carrier not being allowed to controvert it except as to the reasonableness of rates, the Commission will not determine the collateral inquiry until an opportunity has been furnished the parties to be heard in a proceeding such as is provided for by the statute. (*Ib.*)

**PUBLIC HEARINGS.**—In cases of the violation of the fourth section not apparently affected by water competition or by competition of carriers not subject to the act, notice of the hearing was ordered published, that competing carriers and the public generally might have opportunity to attend and be heard.

*In re* Chicago, St. Paul and Kansas City Railway Company.

**CASE RETAINED FOR A FURTHER SHOWING.**—On the question of the reasonableness of rates charged for transportation of milk and cream from producing points to Jersey City, the case was retained for further evidence.

*Howell et al. v. New York, Lake Erie and Western Railroad Company et al.*

**AMENDMENT WHEN NOT NECESSARY.**—Amendment is not necessary to bring in matters that would have been the subject of proof under the complaint as originally filed.

*Delaware State Grange, etc., v. New York, Philadelphia and Norfolk Railroad Company et al.*

**PLACE OF HEARING.**—A case involving local rates ordered to be heard at a central point in the territory immediately affected by the rates. (*Ib.*)

**CONCESSION OF RATES BEFORE DECISION TERMINATES THE CONTROVERSY.**—Second Annual Report of Interstate Commerce Commission.

**DECISION.**—In deciding a case against one or more carriers who are charged with making rates which are unjustly discriminating in a certain line of traffic, the decision made upon the facts of a particular case does not necessarily govern rates in other sections of the country where the facts bearing upon them may be altogether different.

*In re Relative Tank and Barrel Rates on Oil.*

**APPLICATION FOR REHEARING.**—The Commission will promptly and carefully examine an application for a rehearing with a view to the immediate correction of an error of law or fact found to exist, but will not direct a rehearing unless satisfied that it might have the effect of changing the result of what the Commission has already done.

*Riddle, Dean & Co. v. Pittsburgh and Lake Erie Railroad.*

**DECISION AND REPORT.**—The Commission does not report evidence which is only cumulative, or which is immaterial or irrelevant, or mere details of evidence embraced in substantial facts stated. (*Ib.*)

The statute is construed as dealing with the substance of things and as contemplating speedy methods of procedure which come at once to the very right of questions arising in the transportation of persons and freight. (*Ib.*)

**REHEARING.**—After a complaint has been heard and determined by the Commission, and no party to the proceeding has applied for a rehearing, an application for a rehearing made by others who are not parties will not be granted.

*In re Produce Exchange of Toledo.*

If upon a new or different complaint it should appear that any conclusion of the Commission in the case so decided has been erroneous, the Commission would feel it to be a duty to correct such conclusions. (*Ib.*)

When a question of general public interest is involved, the Commission, in its own discretion and in furtherance of justice, may open a case to give parties the benefit of a more extended investigation of the same subject-matter in other pending cases.

*Rice, Robinson & Witherop v. Western New York and Pennsylvania Railroad Company.*

A petition to re-open a case that has been decided and have a rehearing, should show *prima facie* that some material testimony has been overlooked or misapprehended, or some error in the findings of fact or conclusions of law.

*Myers, survivor v. Pennsylvania Company et al*

When the application is insufficient in these respects, and only asks for a rediscussion of the facts and law already considered, with no offer of new evidence that can change the result, the application will be denied. (*Ib.*)

**SUBPENAS FOR PRODUCTION OF BOOKS, PAPERS AND DOCUMENTS.**—Rules governing application for.

*Rice v. Cincinnati, Washington and Baltimore Railroad Company et al in re Application of Petitioner.*

**ABANDONMENT OF TARIFF.**—Where a tariff complained of is abandoned by the carriers for a long period of time before the complaint was made and shortly after the tariff was put in force, the Commission will not make an order requiring the carriers to cease and desist from enforcing such tariff, because such an order would be vain and useless.

*Rawson v. Newport News and Mississippi Valley Company et al.*

**REPLICATION.**—The rules of practice before the Commission do not require and provide for the filing of a replication.

*Oregon Short Line v. Northern Pacific Railroad Company.*

*See Amendments; Parties; Petition; Railroad Company; Parties; Interstate Commerce Commission; Complaints; Rule XIV, Rules of Practice.*

## PREFERENCE AND ADVANTAGE.

**WHEN UNDUE AND UNREASONABLE.**—Rates and charges not unreasonably high of themselves can be so adjusted in their relations to each other as to produce the undue preference and unreasonable advantage which the third section of the act to regulate commerce makes unlawful.

*Boards of Trades Union, etc., v. Chicago, Milwaukee and St. Paul Railway Company.*

*Raymond v. Chicago, Milwaukee and St. Paul Railway Company.*

Preference and advantage become undue and unreasonable when the results are such as to effect some tangible injury to the complaining parties.

*Howell et al. v. New York, Lake Erie and Western Railroad Company et al.*

**MEASURE OF PROOF REQUIRED TO JUSTIFY.**—When water competition is brought forward as a justification of preference and advantage, the same measure of proof is required to overcome the presumption that such distinctions are undue and unreasonable as is required to work an exception under section 4 of the act.

*Harwell v. Columbus and Western Railroad Company.*

**COLORED PEOPLE.**—Colored people who buy first-class tickets must be furnished with accommodations equally safe and comfortable with other first-class passengers. A car furnished complainant found to be only second class in comforts for travel, and *held* that he was thereby subjected to undue preference and unreasonable disadvantage, in violation of section 3 of the act to regulate commerce.

*Councill v. Western and Atlantic Railroad Company.*

*Heard v. Georgia Railroad Company.*

**RAILROAD MATERIAL.**—A producer of railroad material (*e. g.*, ties) is entitled to sell it when he wishes in the best available market. Common carriers are forbidden to attempt to prevent this by applying disproportionate or unreasonable rates.

*Reynolds v. Western New York and Pennsylvania Railway Company.*

**IN SHIPMENT OF COAL.**—The selection of either goods or customers is forbidden to common carriers. Less desirable traffic, which is ordinarily the subject of transportation and not dangerous to handle, must be accepted upon reasonable terms, as well as that which is more desirable.

*Riddle, Dean & Co. v. New York, Lake Erie and Western Railroad Company.*

**GROUP RATES ON COAL.**—Through rates by way of Chicago to points in western Wisconsin, Minnesota and Dakota, from mines in the eastern part of a coal



## GROUP RATES ON COAL—Continued,

mining district extending across the State of Illinois are necessarily made the same with the group rates established on other routes from the same district, and their discontinuance would simply leave the market open to the product of other Illinois mines at the same transportation charged.

Rend, *v.* Chicago and North-Western Railway Company.

Under the exceptional circumstances requiring such through rates, shippers locally from Chicago, of Ohio and Pennsylvania coal, can not justly insist upon rates no higher than the division of such through rate which appertains to the lines running northwest from that city, the circumstances under which the through rate is made being such that it can not be differently adjusted. (*Ib.*)

Such a reduction of the rates on local shipments from Chicago would involve either a general reduction from the entire group under the short-haul clause of the law, or abandonment by defendant of the through rates in question, neither of which would benefit complainant, while both would do great injury to all interested. Under such circumstances the preference is not undue nor is the advantage complained of unreasonable. (*Ib.*)

On complaint of a group rate on coal from a district covering a radius of 40 miles around Pittsburgh, *Held*, that the rate in itself not being unreasonable, it does not appear that it subjects the complainants to undue prejudice, although it gives an unreasonable preference to the more distant mines.

Imperial Coal Company *et al.* *v.* Pittsburgh and Lake Erie Railroad Company *et al.*

Actual undue preference or advantage of which the rate was the cause must result to the more favorably-situated producers to render a group rate unlawful. (*Ib.*)

CONSIDERATIONS WHICH AFFECT THE QUESTION.—In determining the question of undue prejudice from a rate, distance is only one of the factors, and other material facts, such as character and quality of the commodity, cost of production, extent and nature of the competition in the business itself, and by other transportation lines, and the interest of the public in the use of the commodity and its market cost, are to be considered. (*Ib.*)

WHAT DOES NOT AFFECT THE QUESTION.—Municipal subscriptions or gratuities do not affect the question of undue preference under section 3 of the act to regulate commerce.

Lincoln Board of Trade *v.* Burlington and Missouri River Railroad Company in Nebraska, *et al.*

DISPARITY IN RATES.—Disparity in existing rates to Lincoln and Omaha found to correspond closely with the difference in distance that no change is required on that ground. (*Ib.*)

TRANSPORTATION OF PETROLEUM OILS.—When for a special traffic, *e. g.*, the transportation of petroleum oils, a carrier provides rolling stock for one method, but does not provide it for another, for which it publishes rates, the terms on which such rolling stock is to be provided should be uniform and published with the rate sheets, and can not lawfully be left to be the subject of bargain and different terms in the case of different shippers.

Rice *v.* Louisville and Nashville Railroad Company.

When two methods for the transportation of an article of merchandise are nominally offered by the carrier, for only one of which it offers rolling stock, and for the other of which the shipper must supply his own rolling stock, at considerable expense, it can not be said that the resorting to the latter by the shipper is so far a matter of choice that he has no concern in charges for transportation in the other mode; such charges should be relatively just and equal. (*Ib.*)

It is properly the business of a carrier by railroad to supply rolling stock for the

## TRANSPORTATION OF PETROLEUM OILS—Continued.

freight he offers or proposes to carry; and if the diversities and peculiarities of traffic are such that this is not always practical, and the consignor is allowed to supply it for himself, the carrier must not allow its own deficiencies in this particular to be made the means of putting at unreasonable disadvantage those who may use in the same traffic all the facilities which it supplies. (*Ib.*)

**WHAT CONSTITUTES UNLAWFUL.**—To render a preference of one over another unlawful, under the act to regulate commerce, it is not necessary that it should be accomplished by any "device," and it is equally true that the ingenuity of man can not invent a device for the perpetration of an unlawful preference on the part of a carrier engaged in interstate commerce without incurring the penalties prescribed by the statute.

*Scotfield et al. v. Lake Shore and Michigan Southern Railway Company et al.*

**TRANSPORTATION OF PETROLEUM OILS.**—Upon the facts of this case it is found and held that there is an unlawful preference given by the carriers in favor of oil shipments in tank-car lots, as against like shipments in barrels, car-load lots, which is ordered to be corrected, and the mode prescribed by which this must be done, giving equal rates upon each per pound. (*Ib.*)

**DRIED FRUIT AND RAISINS.**—Classification of dried fruit and raisins, both California products, in different classes, taking different rate, works an injustice to shippers.

*Martin v. Southern Pacific Company et al.*

**BETWEEN LOCALITIES.**—The fact that under rates which are impartially arranged as between large and small towns, one large distributing center may have an advantage over another in competition for the business of the small towns, does not make out a case of undue preference in favor of one distributing center as against the other. Impartial rates are not rendered illegal by their effect upon the business of localities.

*Martin et al. v. Chicago, Burlington and Quincy Railroad Company et al.*

**UNREASONABLY LOW RATES.**—A leading purpose of the act to regulate commerce is to prevent the giving of unjust preferences and advantages, as between localities, in railroad transportation. This purpose would be defeated if any one carrier, by making unreasonably low rates to any locality, would thereby entitle all other carriers competing with it to make on their lines greater charges upon the shorter hauls to other stations than were made over the same line in the same direction, to the locality thus favored.

*In re Chicago, St. Paul and Kansas City Railway Company.*

**PROOF OF DAMAGE NECESSARY.**—Without some proof of damage resulting to complainants, an advantage in rates, as related to distance, is not necessarily undue or unreasonable, no substantial difference in expense appearing to exist.

*Howell et al. v. New York, Lake Erie and Western Railroad Company et al.*

**FREE TRANSPORTATION OF PERSONS.**—When a free pass is given to a discharged employé of the company on the assumption that he might still be regarded as an employé, but which was never used, and expired by limitation in the hands of the party to whom it was issued and which was produced before the Commission as an unused instrument in a proceeding in which complaint of its issue was made, *Held*, that the facts did not show that a breach of the third section of the act had been committed, no free transportation whatever having been had, and the party being entitled to none, according to the terms of the instrument as it then was.

*Griffec v. Burlington and Missouri River Railroad Company in Nebraska.*

**RELATIVE RATES.**—Rates must be relatively fair and reasonable as between localities in essential respects similarly situated, not according to any rule of mathematical precision, but in substance and in fact, having regard to the geographical and relative positions of the localities, so that one will not be favored to the unjust prejudice of the other.

Detroit Board of Trade *et al.* v. Grand Trunk Railway of Canada *et al.*

A tariff naming a rate from one locality lower than that enjoyed by its neighbor, when the circumstances are the same, tenders a preference or advantage to the first, and when any shipper is damaged by the exaction of an additional burden, the preference becomes undue and unreasonable, unless it can be justified upon some sound and substantial ground.

*In re* Tariffs of Transcontinental Lines.

**DIFFERENCES IN THROUGH RATES.**—The difference between proportions of through rates along the same line should be fairly reasonable in amount and properly guarded in their application, and not such as to injure or suppress business in one locality in order that it may be stimulated and built up in another.

Chamber of Commerce of the City of Milwaukee v. Flint and Père Marquette Railroad Company *et al.*

**TRANSPORTATION OF MINERAL WATER.**—On complaint of unreasonable rates, *Held*, that neither the defendant nor any of its officers or agents have been engaged in combinations with connecting lines or other parties to prevent complainant from obtaining reasonable rates and facilities for the transportation of its mineral water or to give other mineral waters a preference in rates and facilities over those accorded to complainant.

Michigan Congress Water Company v. Chicago and Grand Trunk Railway Company.

**MALEVOLENCE.**—That defendant's officials and agents have not acted in a malevolent spirit toward complainant in throwing obstructions in the way of its transporting mineral water over defendant's line and its connecting lines. (*Ib.*)

**IN SHIPMENTS OF CORN.**—Defendant's tariff sheet in force from Nebraska points to Turner, Ill., directed corn destined to the sea-board to be billed to Turner at different rates when destined to different sea-board points. The corn was carried from Nebraska to Chicago, where the rebilling and transferring was done. No shipments could be made under this tariff from Iowa points, *Held*, that as billed the shipment was to Turner; that by billing at different rates to Turner an illegal preference was given, and that Iowa grain-growers were subjected to unreasonable disadvantages in marketing corn.

Logan *et al.* v. Chicago and North-Western Railway Company.

*See* Act to Regulate Commerce; Unjust Discrimination; Long and Short Haul Clause.

## RATES.

### GROUPING OF.—

First Annual Report of Interstate Commerce Commission.

Business Men's Association of the State of Minnesota v. Chicago, St. St. Paul, Minneapolis and Omaha Railway Company.

Howell *et al.* v. New York, Lake Erie and Western Railway Company *et al.*

Imperial Coal Company *et al.* v. Pittsburgh and Lake Erie Railroad Company *et al.*

Rend v. Chicago and North-Western Railway Company.

### DISPARITY IN.—

First Annual Report of Interstate Commerce Commission.

### UNSTEADINESS IN. (*Ib.*)

### WARS OF. (*Ib.*)



## 228 REPORT OF THE INTERSTATE COMMERCE COMMISSION.

INFORMATION CONCERNING.—Duty of carriers in respect to furnishing precise information to the public concerning all matters affecting rates and charges in transportation, stated.

Rice v. Louisville and Nashville Railroad Company.

See Concession of Relief; Preference and Advantage; Reasonable Rates; Unjust Discrimination.

COMBINATION.—

Martin v. Southern Pacific Company.

*In re* Passenger Tariffs.

SINGLE.—

Martin *et al.* v. Chicago, Burlington and Quincy Railroad Company *et al.*

LOCAL AND THROUGH, CONSIDERED. (*Ib.*)

Business Men's Association of the State of Minnesota v. Chicago, St. Paul, Minneapolis and Omaha Railway Company.

Business Men's Association of the State of Minnesota v. Chicago and North-Western Railway Company.

MUST BE EQUAL AND OPEN.—

*In re* Tariffs of Transcontinental Lines.

PASSENGER.—

*In re* Passenger Tariffs and Rate Wars.

THROUGH, DEFINED.—

Chamber of Commerce of the City of Milwaukee v. Flint and Père Marquette Railroad Company *et al.*

MILLING IN TRANSIT. (*Ib.*)

SPECIAL, PRIOR TO THE ACT.—

Myers' Survivor v. Pennsylvania Company *et al.*

See Concession of Relief; Joint Rates; Reasonable Rates; Relative Rates; Preference and Advantage; Unjust Discrimination; Long and Short Haul Clause.

### RATES UNREASONABLY LOW.

COMMISSION WILL NOT PROHIBIT.—The first section of the act does not render rates that are unreasonably low illegal in a sense that will authorize the Commission to prohibit their being made.

*In re* Chicago, St. Paul and Kansas City Railway Company.

The Commission has no power to order rates increased upon the ground that they are so low that persistence in making them would be ruinous. (*Ib.*)

CONSIDERED AND DISCUSSED.—

Second Annual Report of Interstate Commerce Commission.

RATE WARS.—A passenger rate war, in which rates were repeatedly reduced by several competing lines to an exceedingly low basis on a particular class of traffic, without any filing of tariffs, was contrary to the requirements of law, as well as against the true interest of each party thereto.

*In re* Passenger Tariffs and Rate Wars.

No necessity or compulsion is created by war of rates which justifies disobedience of the statutes. (*Ib.*)

See Unjust Discrimination.

### REASONABLE RATES.

SUBJECT CONSIDERED.—

First Annual Report of Interstate Commerce Commission.

EVIDENCE.—Rates will not be declared unreasonable and unlawful under the first section of the act without other testimony than that afforded by comparison.

Raymond v. Chicago, Milwaukee and St. Paul Railway Company.

**CONSIDERATIONS WHICH AFFECT QUESTION.**—In determining what is a just and reasonable rate for a particular commodity (for example, wheat), the Commission will take into consideration the earnings and expenses of operating, rates charged upon the same commodity upon other roads as nearly similarly situated as may be, the diversities between the railroad in question and such other roads, the relative amount of through and local business, the proportion borne by the commodity in question to the remainder of the local traffic, the market value of the commodity and its gradual reduction, the reductions made by the carrier upon other articles which are consumed and necessarily required by the producers of the article in question, and all other circumstances affecting the traffic of itself and as related to other considerations entering into the charges of the carrier.

*Evans v. Oregon Railway and Navigation Company.*

*Reed v. Oregon Railway and Navigation Company.*

**PRINCIPLES RELATING TO.**—When the reasonableness of rates is in question the charges made on long through lines can not, for reasons stated in the opinion, form a just basis for comparison with local rates for relatively shorter distances.

*Crews v. Richmond and Danville Railroad Company.*

*La Crosse M. and J. Union v. Chicago, Milwaukee and St. Paul Railway Company.*

A carrier is compellable by law to give the merchants of a town on its line the privilege of shipping their goods from the point of purchase to their own locality, and again from thence to the place at which the goods may be sold by them at the same rate which would have been charged had there been but one shipment from the point of purchase to the point of ultimate delivery. (*Ib.*)

Principle, that the ratio of rates should decrease with the increase of distance conceded, but modifying conditions often exist; some of them stated; as applied to the facts in this case no change in rates required.

*Lincoln Board of Trade v. Burlington and Missouri Railroad Company in Nebraska.*

**TO SMALL AND LARGE TOWNS.**—A distributing center, however great or important, can not demand as a matter of right that the rates from a common source of supply to more distant and smaller towns shall be made up of the sum of the rate to itself, and the rate thence to such smaller towns; but the carriers may make rates from the common source of supply to the smaller towns directly as single rates; and if the single rate is less than the sum of the two which are made to and from the distributing center, it is not for that reason necessarily objectionable.

*Martin et al. v. Chicago, Burlington and Quincy Railroad Company et al.*

**RESPONSIBILITY OF CARRIERS OWNING THROUGH LINES.**—When railroad companies make a through and continuous line and offer it for the use of the public, they can not rid themselves of responsibility for unjust charges by breaking the whole in two and calling themselves carriers from the severed end of their through lines.

*Parkhurst & Co. v. Pennsylvania Railroad Company et al.*

*Nicolai v. Pennsylvania Railroad Company.*

The Pennsylvania Railroad Company operates a part of a through line which it joins in making and owns a controlling interest in the capital stock of the Pittsburgh, Cincinnati and St. Louis Railway Company, by which the other parts is operated. *Held*, that the Pennsylvania Railroad Company can not free itself from the responsibility of excessive through rates by getting behind the corporate existence of the other company as a separate carrier. (*Ib.*)

PROPORTIONS OF THROUGH RATES.—The apportionment of rates to different parts of a through line do not determine the charge to the public, but may be significant on the question of reasonable rates for the whole distance. (*Ib.*)

Distance by shortest route is properly to be considered in determining the propriety of rates by a longer competing line.

Lincoln Board of Trade *v.* Missouri Pacific Railway Company.

One feature of the transportation of freight by railroads in long hauls on joint rates, or what is usually called through rates, unless there be exceptional conditions which modify the rule, is that the rate per ton per mile grows less in the proportion to the greater distance, while the aggregate of the rate increases in proportion to such greater distance; but this is not found to exist in the case of the local rates of a railroad, where the stations are occasionally grouped, but more usually graded according to distance, except as an incident of rare and highly exceptional conditions of the transportation service.

Business Men's Association of the State of Minnesota *v.* The Chicago, St. Paul, Minneapolis and Omaha Railway Company.

The method of testing the freight rates of a railroad by the rate per ton per mile does not take into consideration the surrounding circumstances and conditions that enter into the making of the rate, and for this reason it can not be considered a controlling rule in determining the reasonableness of rates. (*Ib.*)

In determining the reasonableness of any freight rate all the surrounding circumstances and conditions must be considered as well as the rights of the shippers. (*Ib.*)

COMPARISON WITH EXCEPTIONAL RATES ON OTHER PORTIONS OF THE LINE.—Exceptional rates caused by competition and not illegal under the act to regulate commerce can not be adopted as a standard by which to measure other rates on the same line where the exceptional conditions do not exist. (*Ib.*)

Business Men's Association of the State of Minnesota *v.* Chicago and North-Western Railway Company.

COMPARISON WITH RATES OF OTHER CARRIERS.—Comparison of rates charged by railroad companies under circumstances and conditions substantially dissimilar proves nothing and can not be adopted as standard in arriving at the reasonableness and justness of rates. (*Ib.*)

RAILROAD MATERIAL.—Rates established by a common carrier in order to keep upon its line material for which the road has use, or to keep the price low for its own advantage, can not be justified.

Reynolds *v.* Western New York and Pennsylvania Railroad Company.

NOT NECESSARILY PROPORTIONATE TO DISTANCE.—As a rule in the transportation of freight by railroads while the aggregate charge is continually increasing the further the freight is carried the rate per ton per mile is constantly growing less.

Farrar & Co. *v.* East Tennessee, Virginia and Georgia Railway Company.

In the nature of things joint rates on long hauls usually are and as a rule should be lower in proportion to distance than local rates on short hauls on the same commodity. (*Ib.*)

The act to regulate commerce throws no restrictions or obstacles in the way of the operation of this rule, but gives it the benefit and aid of its sanction and safeguard. (*Ib.*)

Joint rates on lumber from Dalton to Roanoke and Lynchburgh shown to be unreasonable upon the grounds and for the reasons set forth in the opinion. (*Ib.*)

Certain local rates held not unreasonable. (*Ib.*)



NOT NECESSARILY PROPORTIONATE TO DISTANCE.—Continued.

On freight hauled through the cities of Detroit and Chicago to and from the Northwestern States and Territories and the sea-board or New England points, the rule invoked by the petitioners that an estimated portion of the through rate as between the points of origin of the freight and Detroit must not be lower in proportion to distance than the rate upon the freight from such points of origin destined to Detroit is one that can not be sustained.

Detroit Board of Trade *et al.* v. Grand Trunk Railway of Canada *et al.*

Upon complaint of alleged unreasonableness of a rate on grain and grain products from Port Huron to Buffalo, as compared with a through rate from Chicago to Buffalo, *Held*, that though the local rate from Port Huron to Buffalo might be regarded as disproportionate on basis of distance alone, other considerations are involved, but no good reasons having been shown for a higher rate upon grain products than upon grain, that portion of the complaint is consistent and the products ordered to be carried at the same rate as grain.

McMorran *et al.* v. Grand Trunk Railway Company of Canada.

PROFITABLE RATES MAY NOT BE UNJUST.—Proofs that certain rates are very profitable to the road, and that they are higher than the rates charged on certain other somewhat similar commodities, is not of itself a sufficient ground for determining either that such rates are unjust or what rates would be just and reasonable for the traffic in question.

Howell *et al.* v. New York, Lake Erie and Western Railroad Company *et al.*

WHAT SHOULD BE CONSIDERED IN DETERMINING.—A question of reasonable rates can not be properly decided without full knowledge of all the facts concerning the particular traffic in question and its relations to the other traffic of the carrier; some of the elements stated which are necessary and proper to be considered. (*Ib.*)

GROUP RATES ON MILK.—Grouping of milk rates over large extent of territory not shown to injuriously affect the producers who complain; their product is not reduced in value nor is any part of it left unsold, while the requirements of consumers demand a steadily increasing area of supply. (*Ib.*)

WHEN RATES ARE PRIMA FACIE JUST AND REASONABLE.—Rates that are just and reasonable from selected manufacturing points, through the entire territory east of the Missouri River and west of the Atlantic sea-board, are *prima facie* just and reasonable from all other points in the same territory.

*In re* Tariffs of Transcontinental Lines.

SMALL EARNINGS DO NOT JUSTIFY EXCESSIVE.—In determining what are reasonable rates the fact that a road earns a little more than operating expenses is not to be overlooked, but it can not be made to justify grossly excessive rates.

New Orleans Cotton Exchange v. Cincinnati, New Orleans and Texas Pacific Railway Company *et al.*

PARTIES.—The reasonableness of rates can not be fairly determined in a proceeding to which some of the parties responsible for such rates are not parties. (*Ib.*)

CIRCUMSTANCES AND CONDITIONS.—In arriving at what is a just and reasonable rate on freight transported by a carrier on a short local line having but a small volume of business, where the cost of transportation is exceptionally great, arising from steep grades, sparse population and like traffic, these are circumstances and conditions of controlling weight in the making of rates and can not be overlooked when a question of their reasonableness is involved.

Rice, Robinson & Witherop v. Western New York and Pennsylvania Railroad Company.

Under the exceptional circumstances requiring through rates, shippers, locally from Chicago, Ohio and Pennsylvania of coal can not justly insist upon rates no higher than the division of a through rate from Illinois mines, which appertains to the lines running northwest from that city, the circumstances

## CIRCUMSTANCES AND CONDITIONS—Continued.

under which the through rate is made being such that it can not be differently adjusted.

*Rend v. Chicago and North-Western Railway Company.*

ON LONG HAULS.—Where a rate is in itself a through rate and made up of percentages to an intermediate point on a long haul, the circumstances and conditions of transportation must be rarely exceptional indeed to be of such controlling force as to warrant any considerable excess of such a rate in amount over a percentage of a through rate for an equal distance along the same line by way of the same point to a more distant point.

*Chamber of Commerce of the city of Milwaukee v. Flint and Père Marquette Railroad Company et al.*

FORMER PREFERENTIAL RATES NOT A FAIR TEST.—A former special and preferred rate is not a fair test of the reasonableness of a present rate.

*Myers, Survivor v. Pennsylvania Company, et al.*

LOCAL AND THROUGH BUSINESS.—A railroad company is under special obligation to give reasonable rates for its local business, but there are many influences which may affect through rates while not bearing upon local rates at all, or if at all in less degree.

*Lippman & Co. v. Illinois Central Railroad Company.*

RATES AT OTHER POINTS WILL BE CONSIDERED.—In determining the reasonableness of rates at one point, which are the same at other points not far distant on the same system of railroads, the Commission will consider the bearings and relative equality of rates at all of the points so situated.

*In re petition of the Produce Exchange of Toledo.*

ON DIFFERENT BRANCHES.—Two of the south branch lines of the Chicago and North-Western Railway Company are crossed by the main line of the Chicago, Milwaukee and St. Paul Railway Company. From points on these branch lines the North-Western Company comes in competition with the St. Paul Company from its main line points. *Held*, that the charges on these branches do not establish a standard of reasonable rates for like distances from points on a north branch of the same company, where no such competition exists.

*Logan et al. v. Chicago and North-Western Railway Company.*

LIVE CATTLE IN CAR LOADS.—A practice had existed on the part of certain carriers of live cattle to make a car-load rate irrespective of weight, leaving the shipper to load into the cars as many cattle as he pleased and was able to put into it. The carriers substituted for this practice the rule that while naming a car-lot rates they prescribed a minimum rate, then charged by the hundred pounds in proportion to the car-lot rate for any excess over the minimum. *Held*, that this rule was not unlawful.

*Leonard & Chapelle v. Chicago and Alton Railroad Company.*

*Prima facie* the new rule is more just and reasonable than the practice it supplanted, since the charge is more in proportion to the service rendered. (*Ib.*)

DISTANCE AS A MEASURE OF RAILROAD SERVICE.—Distance is not always a controlling element in determining what is a reasonable rate, but there is ordinarily no better measure of railroad service in carrying goods than the distance they are carried. And where the rate of freight charges over one line, on similar freight carried from neighboring territory to the same market, is considerable greater than over other lines for distances as long or longer, such greater rate is held to be excessive, and should be reduced.

*James & Abbott v. East Tennessee, Virginia and Georgia Railway Company et al.*

*Logan et al v. Chicago and North-Western Railway Company.*

*See Act to Regulate Commerce ; Preference and Advantage ; Rates Unreasonably Low ; Unjust Discrimination ; Classification ; Rates ; Long and Short Haul Clause ; Relative Rates.*

## REHEARINGS.

## APPLICATION FOR, BY OUTSIDE PARTIES.—

*See Practice. Rule XIV, Rules of Practice.*

**PETITION FOR.**—After a case has been decided a petition to open it for further testimony and a rehearing should be verified, and should indicate the nature of the new testimony and its purpose.

*Rice, Robinson & Witherop v. Western New York and Pennsylvania Railroad Company.*

## RELATIVE RATES.

**UNDER SECTION 1 OF THE ACT.**—Rates must be reasonable relatively as well as absolutely.

*Boards of Trade Union of Farmington, etc., v. Chicago, Milwaukee and St. Paul Railway Company.*

**ADJUSTMENT OF.**—Rates and charges not unreasonably high of themselves can be so adjusted in their relation to each other as to give undue preference.

*Raymond v. Chicago, Milwaukee and St. Paul Railway Company.*

Whether railroad companies combine or act separately in making rates and charges is not so important, the essential requirement is that however made they shall be reasonable of themselves and so fairly adjusted as to be reasonable in their relations to each other and in their results.

*New Orleans Cotton Exchange v. Cincinnati, New Orleans and Texas Pacific Railway Company et al.*

Through rates admit of very great variety in the forms they assume; and such rates, when reasonable and fairly adjusted in their relations to local business, are greatly favored in the law, because they furnish cheapened rates and greater facilities to the public, while at the same time they give increased employment and earnings to a larger number of carriers.

*Chamber of Commerce of the City of Milwaukee v. Flint and Père Marquette Railroad Company et al.*

The question of relative injustice must be viewed upon broader grounds than a mere balancing of one rate against another. A reduction which will throw into confusion an adjustment of rates over a large section of country which are not claimed to be unreasonable of themselves, should not be required without a clear right thereto exists under some direct provision of the law.

*Rend v. Chicago and North-Western Railway Company.*

**CIRCUMSTANCES AFFECTING.**—The relative reasonableness of rates on shipments from western points to cities on the Atlantic sea-board is to be determined by all the circumstances and conditions that affect the traffic to the respective points between which the rates are questioned, and not solely by one standard of comparison.

*Boston Chamber of Commerce v. Lake Shore and Michigan Southern Railway Company.*

The length and character of the haul, the cost of service, the volume of business, the conditions of competition, the storage capacity and the geographical situation at the different terminal points are all elements of importance. (*Ib.*)

In view of the longer haul to Boston than to New York, the greater cost of transportation to Boston, the very much greater volume of business to and from New York, the competition by water transportation, and also by several railroad lines, and the geographical and commercial advantages of New York, *Held*, that the existing differentials are not unreasonable. (*Ib.*)

Where relative rates are the same at points not far distant from each other on the same system of railroads, it is the practice of the Commission in determin-



## CIRCUMSTANCES AFFECTING—Continued.

ing the reasonableness of rates upon a complaint made at one of these points to consider the bearings and relative equality of rates at all of the points so situated before ordering a change at any one of them, in order to avoid preference to one and prejudice to another.

*In re* Petition of the Produce Exchange of Toledo.

DUTY CONCERNING.—The spirit and purpose of the act to regulate commerce requires that when the circumstances and conditions will fairly admit of it the charges to all points for a like service should be made relatively equal.

Crews *v.* Richmond and Danville Railroad Company.

La Crosse Manufacturers and Jobbers' Union *v.* Chicago, Milwaukee and St. Paul Railway Company.

It is not a ground of complaint against a railroad company that it equalizes its rates as between large and small towns, even though the effect may be prejudicial to the large towns, which before had been specially favored. (*Ib.*)

PROOF REQUIRED.—The Commission is not willing to determine the relative reasonableness of rates at many stations, and, in a large extent of territory, upon the mere face of tariffs, and without further proof.

Spartanburg Board of Trade *v.* Richmond and Danville Railroad Company *et al.*

BETWEEN LOCALITIES.—Rates must be relatively fair and reasonable as between localities in essential respects similarly situated.

Detroit Board of Trade *et al.* *v.* Grand Trunk Railway Company of Canada *et al.*

Where a system of rates is made by a number of carriers covering a widely extended territory which seems to be reasonable in themselves and relatively fair so far as the evidence in this case shows, the Commission will not order them to be changed at one important point, thereby rendering other changes unavoidable at a large number of other points, and throwing the rates of the entire system into confusion and unsettling values, unless a case arises in which it is necessary that this should be done in order to enforce compliance with the law and to reach the ends of substantial justice. (*Ib.*)

ON COMPETING LINES.—Where a change of rates, for example those on the defendant's line in this instance, would involve a reduction of rates on the Dunkirk, Allegheny Valley and Pittsburgh and other competing lines not parties to this proceeding, and unsettled relative rates in a large extent of territory, such a change ought not to be made unless based upon adequate grounds.

Rice, Robinson & Witherop *v.* Western New York and Pennsylvania Railroad Company.

ON DIFFERENT BRANCHES.—A departure from the rule of equal mileage rates as applied to the several branches of the road is not conclusive that such rates are unlawful, but the burden is on the company making such departure to show its rates to be reasonable when disputed.

Logan *et al.* *v.* Chicago and North-Western Railway Company.

*See* Preference and Advantage; Unjust Discrimination.

## REPLICATION.

NOT REQUIRED.—

*In re* Procedure in Cases at Issue.

NOT NECESSARY TO BE FILED.—

Oregon Short Line *v.* Northern Pacific Railroad Company.

## REPARATION.

Can not be awarded in proceedings pending before the Commission on March 2, 1889, the date of the amendment of the act to regulate commerce.

Rawson *v.* Newport News and Mississippi Valley Company *et al.*

## STATE RAILROAD COMMISSIONS.

**ACTION RESPECTING CATTLE IN CAR-LOADS.**—The fact that by the action of certain State commissions a car is permitted to be loaded by the shipper at discretion without the car-lot rate being affected thereby is not a reason for adopting the like rule in interstate traffic, if that course is found not to be most just and politic.

Leonard & Chappelle v. Chicago and Alton Railroad Company.

## SUBPENA DUCES TECUM.

Rice v. Cincinnati, Washington and Baltimore Railroad Company *et al.*, in re Application of Petitioner.

## TARIFFS.

**MODIFICATION OF, BY CARRIERS.**—

First Annual Report of Interstate-Commerce Commission.

**FILING AND PUBLICATION OF.** (*Ib.*)

**CIRCULAR CONCERNING FILING JOINT TARIFFS.**—

**ORDER FOR PUBLICATION OF JOINT EXPORT TARIFFS.**—

**TO BE FRAMED BY CARRIERS.**—

*In re* Tariffs of Columbus and Western Railway Company.

**PREPARATION OF.**—The Commission prefers to permit carriers to work out for themselves all tariff details, and accords a reasonable time for that purpose.

Martin v. Southern Pacific Company *et al.*

**SPECIAL.**—

*In re* Tariffs Transcontinental Lines.

**FILING AND THE PUBLICATION OF.**—Reduction of passenger rates without consent of connecting lines over which tickets are sold, and without filing schedules thereof with the Commission. *Held*, to be in violation of section 6 of the act to regulate commerce.

*In re* Passenger Tariffs and Rate Wars.

Methods generally adopted by carriers in the preparation and publication of rate sheets, if in substantial compliance with the law, and sufficient for purposes of public information, while not necessarily to be accepted by the Commission as a standard, may be acquiesced in until a better mode can be substituted.

*In re* Passenger Tariffs.

New individual or joint passenger tariffs must be posted at stations to which they apply, and tickets can legally be sold on combinations of initial or terminal locals therewith. (*Ib.*)

**CIRCULAR RELATING TO CHANGES IN JOINT TARIFFS.**—

*In re* Joint Tariffs, Circular.

**FOREIGN CARRIERS.**—Foreign common carriers engaged in the transportation of passengers or property for a continuous carriage or shipment from a place in the United States to a place in an adjacent foreign country are subject to the provisions of the act, in respect to the printing of schedules of rates, fares and charges for the traffic they carry, the posting and filing with the Interstate Commerce Commission of copies of such schedules, the notice of advances and reductions, and the maintenance of the rates, fares and charges established and in force at the time.

*In re* Acts and Doings of the Grand Trunk Railway Company of Canada.

Such common carriers are also subject to the provisions of the act in respect to joint tariffs of rates, fares and charges for continuous lines or routes. (*Ib.*)

FORM OF.—The form of tariffs and classifications in use criticised, and requirements of statute stated in respect thereto.

*In re* Tariffs and Classifications of Atlanta and West Point Railroad Company *et al.*

### THROUGH RATES.

WHEN REQUIRED.—Through rates and through bills of lading given on other commodities and to other points similarly situated should be given on cotton when no excuse is shown for refusing same.

Harwell *v.* Columbus and Western Railroad Company.

RATE PER TON PER MILE.—

Business Men's Association *v.* Chicago, St. Paul, Minneapolis and Omaha Railway Company.

Business Men's Association of the State of Minnesota *v.* Chicago and North-Western Railway Company.

THROUGH AND CONTINUOUS LINES IMPLY.—

Parkhurst and Company *v.* Pennsylvania Railroad Company *et al.*

Nicolai *v.* Pennsylvania Railroad Company *et al.*

FROM GROUPED STATIONS.—

Rend *v.* Chicago and North-Western Railway Company.

WHAT ARE.—A rate is none the less a through rate when freight is shipped upon a through bill of lading because the initial carrier charges its local rate as part of the total rate, and the remaining lines charged an agreed rate made by percentages.

Chamber of Commerce of the City of Milwaukee *v.* Flint and Père Marquette Railroad Company *et al.*

When a combined rate, evidenced by a through bill of lading has every substantial constituent of a through rate, it is not necessary that it should be formally quoted by one of the carriers to another who is engaged in the making of it in order to constitute a through rate. Names are nothing in such a transaction; the law looks at the elements and substance of the transaction itself. (*Ib.*)

Through rates as such discussed and defined. (*Ib.*)

WHEN NOT ILLEGAL.—Through rates are not necessarily illegal, which, when divided between carriers, give them less than their local rates, *provided* that the through rate itself is not less than some one of the locals, or unjustly discriminating against individuals or localities, or so low as to burden other business with part of the cost of the business upon which it is imposed.

Lippman & Co. *v.* Illinois Central Railroad Company.

*See* Combination Rates; Reasonable Rates; Unjust Discrimination; Water and Rail lines; Long and Short Haul Clause.

### TICKETS.

COMMISSION ON THE SALE OF.—

Second Annual Report of Interstate Commerce Commission.

*In re* Passenger Tariffs and Rate Wars.

MILEAGE, EXCURSION AND COMMUTATION.—

*In re* Passenger Tariffs.

*See* Mileage Tickets; Tariffs; Act to Regulate Commerce.

OVERCHARGE ON.—A misapprehension under which a party has paid for one journey in two sections, whereby the cost of the transportation has been made more than it would have been had a through ticket been purchased, may be lawfully corrected by return of excess, though the carriers were without fault and only charged for each portion of the journey the regular rates.

Sanger *v.* Southern Pacific Company *et al.*



## UNDERBILLING.

**CHARACTER OF TRANSACTION.**—The shipper in such cases pays freight upon a less quantity than is actually carried, the result of which is that upon the gross amount he pays a reduced rate; in other words, a less sum than is charged to other shippers for a like service.

*In re Underbilling.*

**VIOLATION OF LAW.**—The service known as underbilling explained and found to be in contravention to the act to regulate commerce. (*Ib.*)

**EXTENT OF.**—Facts stated showing extent to which this device has been employed during winter of 1887-'88. (*Ib.*)

**REMEDIES FOR.**—Various suggestions made in respect to duties of common carrier, inspection of goods tendered for shipment, ascertaining correct weights in all cases, etc. (*Ib.*)

Second Annual Report of Interstate Commerce Commission.

## UNJUST DISCRIMINATION.

**DISCOUNT FOR QUANTITY.**—An offer by a railroad company to give a discount to any consignee who within a year shall receive at any one station a specified amount of freight, which offer purports to be made to secure speedy dispatch, but is not conditioned on speedy dispatch being made, is void, and if a discount is made to one dealer in pursuance of it, all others will be entitled to a like discount.

Providence Coal Company v. Providence and Worcester Railroad Company.

If the real consideration of the offer were to secure speedy dispatch, it should have been open to all who could accept it, regardless of quantity. (*Ib.*)

An offer of a special discount made professedly on one ground in the published tariff, can not, when that ground fails, be supported by referring it to some other and different ground. (*Ib.*)

A railroad company can not support a discount based on quantity of freight received by any one shipper, on the principles which are applied among merchants, whereby they give better prices in wholesale than in retail dealings. The cases are not analogous, since the naming of the quantity of freight that shall be compared to wholesale purchases must necessarily be altogether arbitrary, and the duty of impartial service which the company owes to the public will preclude special discriminations being determined by arbitrary tests. (*Ib.*)

**TWO TERMINAL STATIONS AT ONE END OF ROAD.**—The Providence and Worcester Railroad Company has one terminus on the river in Providence; and another across the river in East Providence; the one in Providence having been first constructed, and the other later, and for the convenience of the company. From the Providence terminus to points reached from both the distance is slightly the less. The company is not at liberty to make from Providence, to such common points higher charges than from East Providence, in order to force the business to the latter terminus, and would be chargeable with unjust discrimination if it should do so. (*Ib.*)

**ESTOPPEL.**—The fact that a railroad company for many years has paid the charge for hauling freight from wharves to its stations, does not bind it to continue that practice, and if not bound by contract it may stop doing so at any time. (*Ib.*)

**MILEAGE.**—As the Burton Stock Car Company does not use cars of railroad companies, or exchange cars in any manner, but rents them to the public for hire the refusal of the defendants to pay the same mileage allowed on exchanges of cars between each other does not constitute unjust discrimination.

Burton Stock Car Company v. Chicago, Burlington and Quincy Railroad Company *et al.*

DATE OF TRANSACTION.—The act to regulate commerce does not afford a remedy for unjust discrimination which occurred before the act was passed.

Ottinger *v.* The Southern Pacific Company.

MILEAGE TICKETS.—A railroad company that sells mileage tickets must sell them impartially to all the public who apply for them; their sale to a particular class of persons at lower rates than are charged to others is unjust discrimination.

Larrison *v.* Chicago and Grand Trunk Railway Company.

Associated Wholesale Grocers of St. Louis *v.* Missouri Pacific Railway Company.

STOCK YARDS.—It is the duty of common carriers of live stock to provide reasonable and proper facilities for loading and unloading live stock free of charges other than the usual transportation charges.

Keith *v.* Kentucky Central Railroad *et al.*

PASSENGER TRANSPORTATION.—Discrimination in rates charged passengers who enjoy the same accommodations is not justified by proof that the carrier's present or future business will be thereby stimulated, or that the settlement of the country will be promoted, or that those receiving the more favorable rates are persons of small means who are about to locate permanently in the northwest.

Smith *v.* Northern Pacific Railroad Company.

The rule under which passenger transportation should be conducted requires absolute equality of payment from all persons enjoying the same accommodations. (*Ib.*)

Colored passengers may properly be assigned separate cars on equal terms; but the accommodations provided must be the same as those provided for white passengers holding the same class of tickets.

Councill *v.* Western and Atlantic Railroad Company.

Heard *v.* Georgia Railroad Company.

RELATIVE RATES.—Rates must not only be reasonable in themselves, but they should be so relatively reasonable as to protect communities and business against unjust discrimination.

Boards of Trade Union of Farmington, etc. *v.* Chicago, Milwaukee and St. Paul Railway Company.

When the same carrier operates parallel lines, and for any cause accepts lower rates on one of them, it should provide sufficient corresponding advantages to the patrons of the other line to preserve the substantial equality contemplated by the statute. (*Ib.*)

Low charges upon one of two routes operated by the same carrier should not be made up by relatively high charges upon the other, when the result disastrously affects the business of communities situated upon the latter line. (*Ib.*)

If a railway company in establishing charges on different divisions and branches of its road so adjusts them as to divert trade and business to one locality, which naturally, under an equitable adjustment of charges, would go to another, such preference is not excused by the fact that some of such charges are not entirely voluntary but result from competition between carriers.

Raymond *v.* Chicago, Milwaukee and St. Paul Railway Company.

WATER COMPETITION.—When water competition is alleged as a justification for discrimination between localities, the same measure of proof is required to overcome the presumption that it is unjust which is necessary to work an exception under section 4.

Harwell *v.* Columbus and Western Railroad Company.

**DISTRIBUTION OF CARS.**—Where, according to its usual experience, a railroad company has sufficient equipment to meet the demands upon it, or by reason of unusual circumstances freights have accumulated to an exceptional extent, it is not chargeable with violation of law because unable to respond at once to all demands for cars.

*Riddle, Dean & Company v. Pittsburgh and Lake Erie Railroad Company.*

Nor in such case does it violate any law by refusing to allow its cars to be sent off its line to distant points, when the business offered upon its own line keeps them fully occupied. (*Ib.*)

Where by reason of extraordinary circumstances a railroad company can not promptly meet all calls for cars, it should furnish them ratably and fairly to all shippers in proportion to the freights offered by them respectively. (*Ib.*)

It is not a valid excuse for refusal to furnish a fair allotment of a certain class of cars that they can be more profitably employed, and can supply the wants of a larger number of shippers upon another portion of the line.

*Riddle, Dean & Company v. New York, Lake Erie and Western Railroad Company.*

Regular patrons are not entitled to preference in the use of equipment of common carriers. The public must be justly and equally served. (*Ib.*)

Upon the facts stated, from which it appears that it was the duty of the owners of a mine to have inquired of the agent of the railroad company in respect to cars, which they failed to do: *Held*, That a complaint of unjust discrimination can not be sustained.

*Riddle, Dean & Company v. Baltimore and Ohio Railroad Company.*

**BETWEEN LOCALITIES.**—The fact that a refusal to give a through rate as for one shipment to shippers who purchase goods to sell again operates prejudicially to the town desiring the privilege, and favorably to another town, does not make the refusal an unjust discrimination when the same rule is applied to all towns, and the privilege accorded to none.

*Crows v. Richmond and Danville Railroad Company.*

*La Crosse Manufacturers and Jobbers' Union v. Chicago, Milwaukee and St. Paul Railway Company.*

Unjust discrimination must consist in the doing for or allowing to one party or place what is denied to another; it can not be predicated of action which in itself is impartial. (*Ib.*)

**AFFECTING BOSTON RATES.**—No unjust discrimination shown to exist in respect to the present differential charges on business from western points to Boston as compared with New York.

*Boston Chamber of Commerce v. Lake Shore and Michigan Southern Railway Company.*

**RATES ON OIL.**—When oil is transported in tanks permanently affixed to car bodies the tank is to be considered as part of the car, and for oil transported therein the charge for transportation should be the same by the hundred pounds that the carrier charges for transportation between the same points of barrels filled with like oil and taken in car-load lots; the carrier is guilty of unjust discrimination if the shipper in barrels is charged a higher rate.

*Rice v. Louisville and Nashville Railroad Company.*

**EVIDENCE.**—Upon a complaint of unjust discrimination, to rebut the inference arising upon circumstances appearing in the proofs, evidence is admissible to show that during a long course of business the carrier has never exhibited any unfriendly spirit toward the shipper, and that, on the contrary, its agents made extra exertions in good faith to accommodate the shipper in the matter complained of. (*Ib.*)



**TRANSPORTATION OF PETROLEUM OIL.**—In cases against carriers who were charged with discriminating unjustly in their rates as against those shipping petroleum and its products in barrels in favor of those who shipped in tank cars, the evidence, among other things, showed that in the territory served by the defendants the shipment in barrels was most dangerous, and also that when shipment was in tanks there is greater likelihood of return loads. Difference in rates made by the carriers was considerable; the Commission equalized this, but still permitted a charge for the weight of the barrel. In the same cases it was incidentally made to appear that on the Pennsylvania system of roads some of the conditions affecting rates on this traffic were the reverse of those above stated, and the rates had theretofore been made the same by quantity whether the shipments were in tanks or in barrels. On the decision above referred to being made, the rates on barrel oil were raised by the managers of the Pennsylvania system so as to include a charge for the weight of the barrel. This was claimed to be done in order to come into conformity with the action of the Commission: *Held*, That the action was unwarranted. A decision on facts does not establish a principle to govern where the facts are different, and no facts which had been laid before the Commission would have authorized a ruling raising the rates on the Pennsylvania roads on barrel oil either absolutely or relatively.

*In re* Relative Tank and Barrel Rates on Oil.

In arriving at what is a just and reasonable rate on oil transported by a carrier on a short local line having but a small volume of business, where the cost of transportation is exceptionally great, the fact that an independent pipe line from Titusville to Buffalo transports oil between these points at lower rates than the railroad company constitutes no just reason why the railroad company should be required to reduce its rates to those of the pipe line.

Rice, Robinson & Witherop *v.* Western New York and Pennsylvania Railroad Company.

The charge of unjust discrimination is not sustained by the evidence in this case. (*Ib.*)

**SHORT BRANCH ROADS.**—

Heck & Petree *v.* East Tennessee, Virginia and Georgia Railway *et al.*

**COMBINATION RATES.**—Rates obtained by combination which are lower than tariff rates for the same point are unjust and illegal.

Martin *v.* Southern Pacific Company *et al.*

**BETWEEN SMALL AND LARGE TOWNS.**—Trade centers or large commercial towns are not, as a matter of right, entitled to have more favorable rates than the smaller towns for which they form distributing centers; and if carriers shall give to such smaller towns rates as favorable as to the larger, the Commission will not interfere.

Martin *et al.* *v.* Chicago, Burlington and Quincy Railroad Company *et al.*

The principles laid down in the case of Crews *v.* Richmond and Danville Railroad Company (1, I. C. C. Rep., 401) re-stated and re-affirmed. (*Ib.*)

**TRANSPORTATION IN CARS OF OTHER COMPANIES.**—The law does not forbid a carrier from obtaining cars for the transportation of freight over its line from other carriers or car-furnishing companies, but in every such instance the rates of freight must be exactly the same, and none other, as they would be if such cars were owned by the carriers so using them.

Scofield *et al.* *v.* Lake Shore and Michigan Southern Railway Company.

**TRANSPORTATION IN CARS BELONGING TO THE SHIPPER.**—The law does not forbid a carrier from obtaining cars from a shipper for the transportation of such shipper's freight over its line, but in every such instance, after deducting a reasonable rent, published in the tariffs as part of the rate and made by the carrier to the shippers for the use of such cars, the rates must be exactly the same, and none other, as upon freight transported in the same service in the carrier's own cars. (*Ib.*)

**MILK TRANSPORTATION.**—The existing arrangement by which the same rate is charged for the transportation of milk from all points reached by the regular daily milk trains of the defendant roads found to be not illegal, and on the whole to be the best system that can be provided for the general good of all interested parties.

Howell *et al.* v. New York, Lake Erie and Western Railway Company *et al.*

**BY SPECIAL TARIFFS.**—Discriminations are made and undue advantages are given by the special tariffs in question in giving different rates to places named and those not named; to the manufactured articles named and to those not named; to jobbers at places named and those not named; to manufacturers and to jobbers and other dealers.

*In re* Tariffs of Transcontinental Lines.

**PASSENGER CLASSES.**—There is nothing illegal or wrongful in a railroad company making a rate for emigrants as a class and declining to give the same rate to others for whom different accommodations are furnished.

Savery & Co. v. New York Central and Hudson River Railroad Company *et al.*

**FREE TRANSPORTATION.**—The offense under section 2 of the act to regulate commerce of giving free transportation to an individual consists in the charging, demanding, collecting or receiving by the carrier from some other person or persons a compensation for a like service when none is contemporaneously charged or received from the persons thus transported free.

Griffiee v. Burlington and Missouri River Railroad Company in Nebraska.

Free transportation issued in the form of an annual pass to a person not in the regular and stated service of the carrier nor receiving any wages or salary under a contract of employment but requested by him as compensation for throwing in his way what business he conveniently could, *Held*, to be illegal.

Slater v. Northern Pacific Railroad Company.

**TICKET BROKERS.**—The employment of ticket brokers and scalpers for the sale of railroad tickets placed in their hands to be disposed of at reduced rates under the pretense of paying commissions thereon, *Held*, illegal.

*In re* Passenger Tariffs and Rate Wars.

Rates obtained from ticket brokers lower than those offered at the regular offices of the company effect unjust discrimination. (*Ib.*)

**LOCAL AND THROUGH RATES.**—Through rates are not necessarily illegal which, when divided between carriers, give them less than their local rates, provided that the through rate itself is not less than some one of the locals, or unjustly discriminating against individuals or localities, or so low as to burden other business with part of the cost of the business upon which it is imposed.

Lippman & Co. v. Illinois Central Railroad Company.

**RATES ON BRANCH LINES.**—The service may be rendered under such dissimilar circumstances as to make it lawful to charge more for the same distance on one line or branch line than on another line or branch of the same road.

Logan *et al.* v. Chicago and North-Western Railway Company.

## RATES ON BRANCH LINES—Continued.

A railway company while long maintaining a rate without the presence of competition on other than equal terms is making evidence that such rate is not too low. (1 *Ib.*)

**JOINT WATER AND RAIL LINES.**—The fact that a railroad company makes joint arrangements with carriers by water for through carriage at through rates for one of its branch roads will not charge it with unjust discrimination for refusing to make identical arrangements on other parts of its system, when it appears that from such other parts of its system it actually makes through arrangements by more direct route and at the same rate, which are presumptively of equal convenience to shippers.

*In re Joint Rail and Water Lines.*

**PARTY AND PASSENGER CAR-LOAD RATE.**—Party rates and passenger car-load rates lower than contemporaneous rates for single passengers constitute unjust discrimination between persons entitled to transportation at equal rates, and are therefore illegal.

*In re Passenger Tariffs.*

**INLAND RATES ON EXPORT TRAFFIC.**—From November 4, 1887, to February 20, 1888, the trunk lines made through export rates, of which the inland proportion accepted by them was at the port of New York often 10 cents or more per hundred pounds less on light traffic than the published tariff rates charged at the same time to the same port. *Held*, that the discrepancy between the proportion of the through rate accepted and the established tariffs for seaboard consignments for the same inland carriage is not shown to have been justified by any circumstances tending to show that it was just or proper, and that it must therefore be deemed an unjust and unlawful discrimination as between the transportation terminated at that point.

*New York Produce Exchange v. New York Central and Hudson River Railroad Company et al.*

**IN RATES ON COAL TO POINTS IN CANADA.**—Upon an investigation by the Commission it appeared that the Grand Trunk Railway Company of Canada transports coal and coke under a schedule specifying a total from Buffalo, Black Rock and Suspension Bridge in the United States to Hamilton, Dundas and several other points in Canada, and that the published tariff rate for transportation from the points named to Hamilton and Dundas is \$1 a ton, but that it accepts a reduced charge or allows a rebate of 25 cents a ton in favor of certain consignees at Hamilton, Dundas and other points in Canada. *Held*, that the reduced charge accepted or rebate allowed is in violation of the act to regulate commerce and unlawful.

*In re Acts and Doings of the Grand Trunk Railway Company of Canada.*

*See Act to Regulate Commerce; Interstate Commerce; Classification; Preference and Advantage; Underbilling Passengers.*

## WATER AND RAIL LINES.

**JOINT ARRANGEMENTS.**—The act to regulate commerce does not empower the Commission to compel railroad companies to enter into joint arrangements with carrier by water for through carriage at through rates.

*In re Joint Water and Rail Lines.*

**COMPETITION BY.**—Does not justify greater charge for shorter distance while the carrier maintains the shorter distance rate where such competition is of greater force and more controlling than at the longer distance point.

*James & Abbott v. East Tennessee, Virginia and Georgia Railway Company et al.*



## WATER COMPETITION.

WHEN NOT SUFFICIENT TO CONSTITUTE EXCEPTION UNDER SECTION 4.—

Harwell *v.* Columbus and Western Railroad Company.

IMPORTANCE OF.—

First Annual Report of Interstate Commerce Commission.

EFFECT OF UNDER FOURTH SECTION. (*Ib.*)

EXCEPTIONAL CONDITIONS.

Business Men's Association of the State of Minnesota *v.* Chicago, St.

Paul, Minneapolis and Omaha Railway Company.

*In re* Tariffs of Transcontinental Lines.

Second Annual Report of Interstate Commerce Commission.

*See* Long and Short Haul Clause,

## APPENDIX 5.

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### REPORT OF INVESTIGATION OF METHODS OF KEEPING FREIGHT ACCOUNTS.

Proceeding under the order of the Commission a visit was made to the general offices, and the billing and loading stations of the larger roads at New York, Philadelphia, Baltimore, Chicago, and Buffalo. At these points an examination was made of the various records kept in the accounting offices at the billing and receiving stations and at junction points, pertaining to the movement of freight traffic, the collection of freight earnings, and the payment of claims and vouchers; also as to the manner of recording and settlement of earnings from car mileage.

In respect to all these matters it was found that the methods of the companies examined were practically the same; that is, the same general system of accounting is followed by all. It was found that formerly many companies worked independently of others, under a system which was considered most convenient for themselves; latterly, however, there has been considerable change in this respect, pertaining to traffic which is interchanged between roads and an effort made to place upon a uniform basis all records and accounting. The Association of Railway Accountants, having a large membership of railways, is now dealing with plans for simplifying the accounting between roads, and will do much to bring about uniformity in this respect.

For the information of the Commission and the purposes of this report, it seems only necessary to describe in general terms the records and methods of all. When making an examination of the records a copy was obtained of all forms and books which came under my notice, and their use learned. Many of them, however, are used for office purposes only, but were retained with the others. Such of these forms and books which it is thought could in any way be of service to the Commission in making an examination of the freight records of any company, are here referred to with a brief explanation of their use.

#### SHIPPER'S RECEIPT.

The title of this blank differs, it being variously called "shipper's receipt," "shipping ticket," and "dray ticket." They are forms usually furnished by railroads to shippers, upon which a receipt is given by the representative of the railroad for freight received for shipment. These forms are usually filled in by the shipper, and show the shipping marks of the goods, description, consignee, and destination. In the larger cities where business firms are shipping daily, the shipping ticket, or dray ticket is used by carmen and others to obtain a receipt for the delivery of the goods at the railroad station. For local traffic passing between points on the same road the shipping receipt is frequently a combined receipt and bill of lading, and upon the receipts so used there appear what are termed "conditions and rules," or "contract," showing the conditions under which the traffic will be received and carried by the company. These conditions contain, for example, a release for certain goods liable to leakage, or damage to perishable property, damage on account of storms, etc.; they state what goods will not be received for shipment, and give various rules

as to the manner in which goods should be packed, etc. Where a receipt issued contains all the rules and conditions which are usually found in a bill of lading, it is understood that it is given as a bill of lading, and some roads call a shipping receipt so constructed a "bill of lading."

The shipping tickets, or dray tickets, do not usually contain the rules and conditions, and are used principally by regular shippers for obtaining simply a receipt for the delivery of the goods at the depots. This is especially the custom with through traffic from the larger cities forwarded by the fast freight lines.

The authority to issue bills of lading is not usually given to the agents at the depots where freight is received for shipment. For all through traffic bills of lading are generally procured by the shipper, and this may be done by presenting the receipt obtained at the depots at the office of the company where bills of lading are issued. When the shipping receipt is surrendered and a bill of lading issued in its place the bill of lading is the paper upon which the shipper depends for the fulfillment of the obligation of the railroad with respect to his shipment.

At the large receiving stations in New York when freight is delivered the receipts are usually presented in duplicate; one is signed and returned to the shipper and the duplicate is retained at the station by the receiving clerks. When the freight is weighed and loaded into the car the weight of the freight, number and initial of car is noted on the duplicate receipt, which is then passed to the billing office where the way-bill is made.

At the large stations, where a great quantity of freight is received daily, the receiving clerks accept the freight at the shipper's description; that is, if several packages of freight are brought for shipment, and described upon the receipt as containing certain articles, and the general appearance of the packages indicates that they do contain the articles described, the receipt is promptly given. Later, however, when the freight is weighed and loaded, it may be noticed that the goods have been wrongly described by the shipper for the purpose of evading the classification and securing a lower rate. When this is discovered by receiving clerks, inspectors, or others, the duplicate receipt which is retained at the loading station is changed, and upon it the goods are described as they are actually found to be. It therefore frequently occurs that the description of the articles upon the receipt retained by the shipper is entirely different from the articles as actually shipped and way-billed; in such cases when a bill of lading is procured on the receipt held by the shipper the bill of lading is incorrect.

At stations where considerable business is done, and the receiving of freight is restricted to certain hours, it is impossible for receiving clerks or agents to assure themselves that the contents of the packages are actually as the receipt made out by the shipper calls for. The weighing and loading of freight continues long after the prescribed time for receiving the freight, and when the weighing and loading is being done, agents, inspectors, and others examine and verify the description of the contents of the packages. There is a rule by which all roads using the official classification are governed, which is as follows:

Agents at point of shipment will take care to assure themselves that contents of packages are actually what they purport to be. If they have reason to suspect that an attempt is being made to deceive the carrier, or avoid proper classification, they will require an examination of the contents, or other sufficient evidence that they are correctly described before receipting for same. Should freight be incorrectly described and escape detection at shipping point, if the real character of the goods is discovered before delivery to consignee, or to connecting road, charges will be collected according to the proper classification. In case of loss or damage owner will be paid for articles as called for by receipt or bill of lading given at the time of shipment.

Owing to the large amount of traffic at many of the important stations, as stated above, it is impossible for the agent to make the necessary examination of packages before receipting for same, as the foregoing rule requires; but the carriers claim the right to satisfy themselves as to the contents of the packages and to way-bill, and col-



lect freight charges accordingly; and in cases where the description of the article is changed by the railroad after the receipt and bill of lading have been issued, these papers become valueless in any subsequent dispute if the railroad can show delivery to the consignee of the goods as described and shipped by the railroad. The receipt is of value to the shipper to prove his delivery of the goods to the railroad; the bill of lading is generally used for this purpose when it has been procured. The subject of uniform receipt and dray ticket is receiving attention from the various freight associations.

#### BILLS OF LADING.

The object of the "bill of lading" is so well known that special comment upon its use does not appear necessary. A shipper after delivering his goods at a depot may there receive a bill of lading, or if not issued at the freight depot, may procure one at a designated office of the road or line on presentation of his shipping receipt. On all the lines leading from the sea-board to the Western cities the bills of lading are generally alike; on the business going west there is one style used, on business coming east another, and for the foreign or export business still another. The form of each does not vary materially; the difference, if any, is to be found in the rules showing the conditions under which the bill of lading is issued. A bill of lading issued by the Erie Dispatch (a fast-freight line operating over the New York, Lake Erie and Western Railway) for general merchandise from the east may be taken as an illustration of the bill of lading issued generally by the larger roads, and has the following conditions:

(1) In consideration of a through rate being given the right is reserved to forward the goods by any railroad line between points of shipment and destination.

(2) The Erie Dispatch is responsible only as warehousemen when goods are at any of their stations waiting delivery to consignee.

(3) They will not be liable for injury to goods occasioned by weather, accidental delays, or natural decay, or for loss from leakage, improper packing, or for loss or damage by fire while in transit, or while in depots or places of transshipment, or for loss or damage by fire, collision, or dangers from navigation while on sea, river, etc.

(4) No responsibility is assumed for damage arising from chafing of goods packed in bales.

(5) No guaranty of special time for delivery of goods.

(6) Contains a list of perishable goods and other articles which will only be taken at owner's risk unless specially agreed in writing to the contrary.

(7) Gunpowder, friction matches, and combustibles will not be received except by special agreement.

(8) When the merchandise covered by the bill of lading is lost, the value of same at point of shipment is to govern the settlement, except where the value is specially agreed upon and the rates made accordingly. Carriers shall have the benefit of any insurance effected by the owner.

(9) It is stipulated that in case of loss or damage sustained by property covered by the bill of lading during transportation, whereby any legal liability shall be incurred, the company in whose custody the goods were at such time shall be held answerable therefor.

(10) No claim allowed for deficiency or damage to package if receipted for in good order at the point to which it is contracted by the bill of lading.

(11) No claim allowed arising from insufficient packing or incorrect marking.

The foregoing are in substance the conditions found upon all bills of lading applying from the east to the west. For business going in the opposite direction the bills of lading are somewhat different; many of the conditions are identical, while others are inserted to meet the requirements of bulk traffic and other traffic which is transported from the west to the east only.

Another bill of lading, known as a "foreign bill of lading," or, as called by some roads, a "through bill of lading," is used in connection with traffic from the west intended for export, and shows what line of steam-ships it is made in connection with. This differs somewhat from the other forms, to meet the requirements of this class of business more conditions appear, among them being the rule regarding the exchange of the rate to the equivalent foreign rate, and other rules regarding the transfers to the steam-ship line, and what release is made against accidents to the steam-ship

line, etc. So far as examined it is found that most of the larger lines issue through bills of lading jointly with the steam-ship companies, and that the conditions are practically the same.

Another style of bill of lading is sometimes issued for the special traffic of spirits to be exported when such traffic is shipped in bond. The form of this is somewhat different from the other bills of lading, but the conditions are very much the same as govern the bill of lading covering business passing from the west to the east.

No detail examination has been made for the purpose of ascertaining to what extent the bills of lading of the various roads and the various fast-freight lines differ. The question of a uniform bill of lading is one that has been for sometime under consideration by the freight associations. At a recent meeting of the Central Traffic Association a special committee appointed in connection with this subject reported that they would soon be in position to submit a uniform bill of lading for adoption by the joint committee, which represents all of the roads east of the Mississippi and north of the Ohio River. The committee is at this time considering the manner of stating upon the bill of lading what is known as the "non-negotiable clause." If the action of this committee is accepted, and uniformity in the construction of bills of lading secured for the large territory of the joint committee, it is thought that similar action will follow from other associations.

The bill of lading is of value to the shipper to insure proper delivery of goods at destination; it is an important paper in connection with all claims that may subsequently arise from loss or damage, or other failure to properly transport the goods it covers. It is the custom in connection with claims for loss or damage to have the bill of lading accompany such papers, in order to prove the character and condition of the goods at time of shipment.

Railroads are now in the habit of issuing a through bill of lading to any point in the country to which a through rate may be made, guarantying the delivery of the goods at destination, collecting the charges from each other, etc., so that the shipper has nothing to do but to ship his goods to the consignee at point of destination, who on receiving the freight pays the full charge. This saves a great deal of labor to the shipper, who instead of having to deal with every road in the route over which his freight passes, need only transact his business with the initial road. It is one of the objects of the freight associations to extend the system of through billing and increase the number of points to which through bills of lading may be issued. There are now few points in the United States between which through rates and through bills of lading may not be obtained.

Copies of the bills of lading of all the important fast-freight lines and railroads have been obtained and may at any time be produced for examination.

It is proper here to call attention to the consideration given by the Commission to the subject of "conclusive bills of lading;" this may be found at page 484 of the Second Annual Report of the Commission.

#### TALLY-BOOK.

It frequently occurs that when freight is received at the larger stations it is temporarily stored before loading it into the cars. Certain portions of the depot are allotted for freight for certain destinations, and all freight for the same or common destination is assorted and placed together. When this freight is afterward loaded into the cars it is "tallied in"; that is, record is made by the checker or tallyman upon the tally-book. This record shows the marks, name, destination, consignee, description, and weight of goods. The tally-book is afterwards passed to the billing office and the way-bills are made.

The tally-book is also used for checking large shipments of sugar, flour, and other articles requiring a check on the *count* before receipting and billing. A shipment of sugar of a thousand barrels is often made by one shipper to several consignees, and for such shipments it is not always the custom to mark each barrel. The shipment

may be received at the railroad station or pier from boats or lighters. A memorandum accompanies the cargo, showing that a certain number of barrels are to be forwarded to certain consignees. When this is unloaded the tally-book is used by the tallyman, or checker, to get a record of the name of each consignee and the number of barrels for each, and from the tally-book check the loading into the car. When the loading is finished the way-bills are made from the tally-book. The tally-book is also used to check freight received, to ascertain that the contents of the car check out as billed. It is the custom at some stations, when way-bills are received by mail of car-loads of mixed freight, to have a rough copy of the way-bill made into the tally-book showing simply the names of the consignees and the articles. This tally-book is then passed to the checkers, who are at the car when it is unloaded and check upon the tally-book the items for each consignee as unloaded; any discrepancy in the billing or loading is then discovered.

The books or blanks used for tallying purposes are variously called "tally-book," "checker's book," "checker's tally-list." The book is a sort of a blotter, no special form being followed. Where they are used they form a rough record of traffic received and forwarded, and are frequently of use as reference in settlements of claims arising for loss or damage to shipments, and would be further useful for proving the actual loading or unloading of freight.

#### WAY-BILLS OR MANIFESTS.

The "way-bill" is a bill made at the office of a station of a road from which freight is forwarded. It describes the shipment, and usually accompanies the freight to its destination, being placed in the charge of the various conductors of trains upon which the freight is carried. The form of way-bills differs to meet the requirements of particular freight. For freight which is purely local, passing between points on the same road, there is used a way-bill for general merchandise, which, with most roads, is alike in its form. With some roads a special form of way-bill is used for other freight, such as live stock, coal, perishable freight, and for company's freight. On nearly all of the business passing from Eastern cities to Western cities, such as Chicago, St. Louis, etc., way-bills are made "through," such freight usually being carried by the fast freight lines. These way-bills are called "through" or "line way-bills." The railroads keep separate the traffic of each fast freight line, and for this purpose each line has its own form of way-bill. The forms of the line bills, however, are not materially different from those the railroads use for their own business. Freight upon which the charges are prepaid is way-billed on a separate form of bill. Freight in bond received at the port of New York for immediate shipment is forwarded under a special way-bill. Merchandise in bond destined to points in Canada is consigned to the collector of customs at ports of transshipment. A special form of way-bill is used for such freight.

All way-bills show date of shipment, number of way-bill, car initial and number, points from and to which the shipment passes, name of consignor, name of consignee, description of articles, the weight, the rate, freight charges, advance charges, the amount of prepaid charges, or the total charges to be collected.

As stated, way-bills usually accompany the freight when the shipment passes between points on the same line, and also when the freight is billed by the car-load, such as coal, oil, lumber, etc. If the shipment is for a mixed car-load of freight passing over the entire length of a road, or between stations a considerable distance apart, it is the custom to send with the car what is termed a "running card" or "memorandum way-bill," or "loaded car ticket." These show only the number and initial of the car and its destination, and are for the guidance of conductors. These cards are also used for solid car-loads of freight going long distances, or when it is impossible to make the regular way-bill without delaying the movement of the freight, and whenever they are used the regular way-bill, giving a full description of the shipment, is usually sent by the agent at the forwarding station to the agent at destination by mail. The through freight between the sea-board and western cities



is all forwarded on the through or line way-bills. The various fast-freight lines have their own bills, bearing the name of the line. All freight solicited for shipment by a fast freight line is way-billed on a bill of that line. No separate office organization, however, is maintained by the fast-freight lines for billing purposes; this work is done by the same force that handles the work of the road over which the line operates. For example, the Commercial Express line operates over the New York, Lake Erie and Western Railroad and connections. Freight solicited and to be shipped via the Commercial Express line is received at the depots of the New York, Lake Erie and Western, and while the shipping receipt and bill of lading are made on Commercial Express line blanks, the freight is treated the same as if it were road freight proper, except that it is loaded into Commercial Express line cars when available, and the way-bills are made on Commercial Express line blanks.

The billing offices keep separate for accounting purposes the records of the billing of each line.

When a through way-bill is made from New York to Chicago, as if the entire distance was covered by one road, it is called "through billing." Some years ago it was the custom to way-bill goods only to the terminus of a road. If the shipment was to pass over several roads to reach its destination, each road would take it up as a new shipment and way-bill it for its portion of the haul, showing upon the way-bill, under the head of "advance charges," the freight charges which accrued to the line delivering it to the road making the new billing. The custom of through billing has been in vogue with many of the fast freight lines for years, and in the last few years much has been done to improve and extend this practice under the supervision of the various freight associations. At this time this subject is receiving attention at the hands of the Western associations (The Central Traffic Association and the Western Freight Association), with a view to organizing through billing arrangements between points in the territory of each association. The advantages of through-billing arrangements to the carriers and shippers are apparent. To the shipper much time is gained in the movement of freight by avoiding the delay consequent upon re-billing and transfers at the termini, and to the railroads a vast amount of clerical work is saved.

Through billing is also done jointly by many railroads which may not have their through freight business handled by a fast-freight line organization. Neighboring roads frequently so arrange that traffic originating on either road destined to a point on the other road may be way-billed through to destination without re-billing at the termini. Wherever this is done, it is necessary for the roads parties to the arrangement to agree upon a basis upon which the division of the rate shall be made in a final settlement as between themselves, and upon most way-bills covering through business appear the percentages upon which the division of the earnings is made, and the amount of earnings accruing to each road. Other roads having joint billing arrangements do not show the percentage division of the rates upon the way-bills; the allotment of earnings between such roads is made in the accounting departments of the roads monthly under the agreed percentages.

The Star Union line is the through-freight department of the Pennsylvania Railroad and Pennsylvania lines west of Pittsburgh. All way-bills for the through business of these roads east and west of Pittsburgh are analyzed in the office of the auditor of the Star Union line, and the revenue divided upon the established percentages.

The majority of the way-bills of the fast freight lines show the proportion of the earnings accruing to each road forming the route. For example, on a shipment via the Lackawanna fast freight line from New York to Chicago, the way-bill would show the through rate and the through charges. Such a shipment would pass over the Delaware, Lackawanna and Western Railroad to Buffalo, and thence via the New York, Chicago and St. Louis Railroad to Chicago. The way-bill would show the percentage of the rate to be allowed the Delaware, Lackawanna, and Western Railroad to Buffalo, and the percentage of the New York, Chicago and St. Louis Railroad from Buffalo to Chicago.

When way-bills are made, copies of them are always sent to the accounting offices of railroads and to the fast-freight line interested. From these way-bills the accounting of the business of the line may be made up. Therefore, in the particular shipment just referred to, when the copy of the way-bill was received at the auditor's office of the Delaware, Lackawanna and Western Railroad, it would show that that road had carried certain freight to Buffalo which was destined to Chicago, and upon which the Delaware, Lackawanna and Western Railroad's earnings were so much—a stated figure. The way-bill would also indicate that this freight was forwarded via the New York, Chicago and St. Louis Railway, and as the latter road would collect the total freight charges at destination, the Delaware, Lackawanna and Western in its current account charges to the New York, Chicago and St. Louis Railway the earnings due the Delaware, Lackawanna and Western on that particular bill. The agent of the New York, Chicago and St. Louis Railway, when that freight is received at destination, collects the total freight charges as appear upon the way-bill, and a remittance of the money and statement is made to the accounting office of the New York, Chicago and St. Louis Railway. That latter office ascertains that of the total amount collected for that bill a certain portion of it is due the Delaware, Lackawanna and Western Railroad for its haul to Buffalo, and accordingly credits the Delaware, Lackawanna and Western with that amount. At the end of the month a settlement is made, the balances audited, and the money paid by one to the other, as the case may be.

When settlements are made in this manner at the end of the month they are termed "auditor's settlements." Where railroads are closely allied and their interchange business large this custom prevails, but with others the charges accrued up to a junction point are at once paid by the receiving road to the delivering road when the freight is transferred. Settlements made in this manner are called "junction point settlements." For two or three years past there has been an attempt to bring about a uniformity of practice in this respect. Many roads are in favor of junction point settlements only, while others prefer the auditor's settlement, which is made through the accounting offices only. The volume and character of the business usually guides as to which method is preferable. At the large junction points, such as Buffalo, the agencies are quite important offices, and there is established with most roads the custom of exchanging balances at least once a week. At the smaller junction points many roads will not place the authority with their agents to receive and collect these interchange charges, preferring to make the settlements through the accounting offices at the end of the month.

The methods in vogue at junction points governing the collection and payment of charges shown upon the way-bill will be further referred to under the heading of "Accounts at junction points."

When the way-bill is made in the office of the freight forwarding station it is the custom to make a number of tissue impressions of the way-bill; these tissue impressions are sent to the various offices, where any accounting may be done with respect to the movement of the freight they cover, and also to the offices of agents and others for their guidance as to the character and volume of freight being shipped daily. If the business is "line" freight, a copy of the bill is sent to the office of the auditor of the "line" organization. By this arrangement officials in charge of the commercial department of a road are informed what important shippers are shipping, and the management has general information as to the character of the business moving. Daily copies are also sent to the office of the auditor of the road and are used there for many purposes. They are taken as the original record of the movement of all freight and are used to make the necessary charges against the station at which the money is collected, or against the connecting road when freight is delivered to another road at a junction point. In the auditor's office all the way-bills are examined and checked to ascertain whether the rates charged are correct and also whether the freight charges have been correctly computed; if errors are found the other offices affected are notified and the necessary corrections made. In an auditor's office way-

bills are constantly needed for reference. If claims for loss or damage are made, it is customary, before proceeding in any way to adjust such claims, to first ascertain how the goods were actually way-billed. This information is procured from the copy of the way-bill in the auditor's office. The way-bills are also used for the compilation of statistics showing the tonnage moved and the distance carried, and also for the condensation of the tonnage of traffic delivered to and received from connections. This latter information generally appears upon the way-bills, as they show the initials of connecting lines from which the traffic is received or to which it is delivered.

Copies of all way-bills are kept at the stations where made, and copies and the original are retained in the auditor's office. If the methods of any road were in question, an examination of the way-bills would show :

- (1) What rates were charged.
- (2) Whether the rates charged were in accordance with the published tariffs.
- (3) Whether the articles were properly classified.
- (4) Whether estimated weights, when used, were correctly stated.
- (5) Whether the weights were generally correct.
- (6) Whether any exception had been made in the way-billing and handling of particular shipments.

On traffic passing over a bridge on which toll is charged or traffic subject to light-erage, terminals, or special switching charges, it is customary to deduct from the through rate, before dividing the same between the roads in the route, the amount charged for this special service, and credit the same to the road or bridge company performing such service. These charges are separately shown upon the way-bill. For example, at Philadelphia the Philadelphia and Reading Railroad make a terminal charge of  $1\frac{1}{2}$  cents per 100 pounds on all freight passing into Philadelphia over its line, in addition to the proportion which the Philadelphia and Reading Railroad would receive for its haul out of the through rate. A through rate from East St. Louis to Philadelphia of 50 cents under the arrangements now in effect would be divided as follows :

	Percent.	Cents.
Wabash Railway.....	35.33	17.1
Lake Shore and Michigan Southern Railway.....	24.12	11.7
New York Central and Hudson River Railroad .....	8.91	4.3
Fall Brook Coal Company.....	14.96	7.3
Philadelphia and Reading Railroad.....	16.68	8.1
Total .....	100.00	48.5
Philadelphia and Reading terminals.....		1.5
Total rate .....		50.0

It will be noticed that in the above the division between the roads is made on the basis of 48.5 cents, which is the rate after deducting the Philadelphia and Reading terminal. The Philadelphia and Reading proportion of the 48.5 cents is 8.1, to which is added the terminal, making 9.6 cents of the through rate.

The Pennsylvania Railroad also charges a terminal of 5 cents on all freight destined to Jersey City or New York. This terminal it is understood is allowed owing to their extensive facilities at Jersey City and on account of the large amount of money invested in the eastern division of the road. On most of the traffic the terminal charge is 5 cents per 100 pounds. Certain western roads will not consent to a terminal allowance to the Pennsylvania Railroad in the division of rates of over 3 cents per 100 pounds; but an arrangement exists with the Pennsylvania lines west of Pittsburgh to the effect that the division of the rate east of Pittsburgh will be so adjusted as to allow the Pennsylvania road proper 5 cents as a terminal charge. In the accounts of the Pennsylvania Railroad the earnings of the various divisions of the



road are kept separate, and the division of rates is always so made that the New York division will receive 5 cents terminal charge on all freight. In cases where only 3 cents is allowed by the western roads the revenue accruing to the Pennsylvania road east of Pittsburgh is so divided between its own divisions in the ultimate accounting that the New York division will receive its 5 cents terminal.

The switching which may be done to place the car at a warehouse door after arrival at destination is usually charged for according to the location of the switch from the general receiving depot. Such charges do not always appear upon the way-bill; the service may be charged for independently of the freight charges.

It is claimed by some companies that it would be impossible to move freight without a way-bill of some description being made. By the records of one road it appeared that freight could not be forwarded without a way-bill showing charges, except freight for company's use; the agent at forwarding station would be required to make a regular way-bill for freight of any description, and such way-bill would be numbered in a regular series. After the freight has been forwarded and manifested the charges or any portion of the bill can not be canceled except on an order from the the records office of the auditor. It would therefore seem impossible to move freight without showing such movement.

For traffic passing over the laké lines the same general plan for way-billing and accounting is followed as in use by the railroads. The Western Transit Company, a line operating on the Erie Canal and lakes, use three kinds of manifests; one for billing westward freight at Buffalo received from the railroads and local shippers; another for billing freight received from the canals; and a somewhat different form for the business coming eastward from Chicago. The forms are nearly similar to those used by the railroads and show consignor, consignee, description of shipment, the lake rate, the lake earnings, and the charges accrued up to the point of delivery to the lake line.

The "Anchor Line," the lake line connection of the Pennsylvania Railroad, follows the methods of the Pennsylvania Railroad. By this line the forms used for business interchanged with the Pennsylvania Railroad are slightly different from the forms used for business interchanged with other roads, and a distinction is made in the way-billing of business to and from Lake Superior ports; the information shown upon the bills, however, is practically the same.

With the lake lines, as well as with the railroads, the way-bills are the original papers showing details of all shipments, which together with the records pertaining to the way-bills, would be the proper source of reference for the purpose of ascertaining the rates of freight charged by such lines.

#### AGENT'S RECORD OF FREIGHT FORWARDED.

At every forwarding station or billing office a record is kept showing the details of each consignment shipped. These records are kept in what are called "freight forwarding book," "freight forwarding register," "way-bill record," and "manifest-book." They contain practically a copy of the way-bills. At the largest stations these books are made of tissue copying paper, and when the way-bill is made an impression is made on one of the leaves of the book; in such cases the record book is the same as the way-bill. At stations where the business is not so large a record book is kept into which is entered the same particulars of a shipment as are shown upon the way-bill. If for any reason the originals or copies of way-bills were not to be obtained these records would be of use as giving the same information for each shipment as appears upon the way-bill.

With the lake lines a similar record is kept for recording the west-bound shipments from Buffalo. The title of a book of this kind used by the Western Transit Company is, "record of west-bound shipments from Buffalo." This book contains the substance of the manifests; it is also arranged to show the division of the earnings of the lake line and its immediate eastern connections. For the business coming

eastward from Chicago, Milwaukee, etc., a different form is used to accommodate the different character of the traffic, but the information contained is practically the same as the west-bound book.

All roads keep a book of this character at stations from which freight is forwarded, and at junction points. At stations where the traffic of the fast freight lines is way-billed similar books may be found for such traffic.

#### AGENT'S RECORD OF FREIGHT RECEIVED.

At all freight stations a record is kept of freight received. These records are differently named, such as "freight received book," "record freight received," and "freight received register." The form is nearly the same as the way-bill. At some stations a space is allowed for the consignee to receipt for the delivery of the articles; at other stations receipt is taken separately on a regular receipt form. At every station receiving freight there should be found a record of this kind, which should contain complete description of all freight received at that station.

For the lake lines a form similar to the one used for freight forwarded is in use for recording the freight received.

Separate freight received records are kept for the fast freight lines.

Reference to these records would show whether the freight charges were accurately stated at point of delivery of the goods, and whether the expense bill for payment of freight charges by shipper or consignee was correctly made.

#### AGENT'S REPORT OF FREIGHT FORWARDED.

Agents at stations forwarding freight are required to make a report daily to the auditor's office. This report is an abstract of the way-bill, dealing particularly with the money items, and by many companies is called "agent's abstract report of freight forwarded." Upon this blank each way-bill must be reported separately, and a clear impression or written copy of every waybill must accompany the report. This report and the way-bills are used in the auditor's office to charge against the other stations the amount of freight consigned to each station, and are otherwise used for the purpose of compilation of the tonnage and earnings.

Some roads make a distinction in the abstract report made to the auditor by using separate blanks for their local traffic and another form for freight received from other roads; these latter blanks are usually used at the junction points and show more detail as to each shipment. For example, if a report of passing freight was made at a junction point of the New York Central road it would show all of the freight passing on to the New York Central road for each twenty-four hours. This report would show where the traffic originated, to what point it was destined, the date of the way-bill, car initials and number, the character of freight, weight, proportion of earnings which would accrue to the New York Central road, the advance charges, and the total charges to be collected. If freight is way-billed through from Chicago to Boston consigned to the New York Central, when that freight reached Buffalo and was forwarded east the agent at Buffalo would make a report upon the blank last referred to, showing the date it passed east from Buffalo, and other details with respect to charges, etc.

This report, in connection with copies of way-bills and agent's record, should show that all traffic moved had been correctly reported to the accounting office.

#### AGENT'S REPORT OF FREIGHT RECEIVED.

This form is used by agents to report to the auditor all freight received at their stations. The form for local business is the same as "agent's report of freight forwarded." For the through or line business the agents at junction points are required to make a report of all traffic received at their stations destined to points beyond. When a shipment passing from Chicago to Boston via Buffalo and Albany is made,

the agent of the New York Central and Hudson River Railroad at Albany would be required to report to the auditor of that road the arrival of the freight at his station and delivery to connecting road. This form shows point of origin and destination, the date it passed the junction point, the weight, the earnings of the road making the report, as well as the other charges making up the through charges to destination. Agents at junction points are required to make to the auditor a full report of all freights received at and forwarded from their station, as well as to report separately freight passing through their station received from or delivered to connecting lines. This is the custom of the New York Central and Hudson River Railroad. It is not understood, however, that many roads require agents at junction points to make an abstract report of freight passing such stations. With other companies similar information is obtained from the impression copies of the way-bills which it is understood are furnished all roads parties to a route over which freight is passing on a through way-bill.

A similar form of report which agents are required to make to the accounting officers is for traffic upon which the charges are adjusted through the general officers of the company. For example, it is the custom with many of the eastern roads to settle with the large coal companies once a month, or at other stated periods, for the freight charges upon traffic carried. One road receives coal from large shippers located on its line, and its agents are instructed to way-bill such traffic as prepaid. The freight is so way-billed and forwarded, and the agents forward to the auditor's office on a blank specially prepared a report showing the weight and charges on coal shipped from their station, giving the date, the point to which shipped, weight, rate, and amount of charges. It is understood that with these large shippers an open account is kept in the general offices of the railroads, and settlements are made at stated periods. The agent's account for the money which would apparently be in his possession by the prepayment of such freight is adjusted in the accounts of the general office. Another road handles its ice traffic in the same manner. The payment of freight charges on both coal and ice traffic is made by the shipper, as these commodities are sold "delivered." No special reports of this freight are required from the agent after it is received; it is simply reported with other freight and the earnings reported as prepaid.

#### OVER-SHORT-AND-DAMAGE REPORTS.

When freight is received at a station, and it appears that the articles do not correspond with the way-bill, that is, if anything is lost or damaged, or if there is any more of one article than the way-bill calls for, it is the custom to make what is termed an "over-short-and-damage report." The form of this report is so constructed as to show the station at which the freight is received, the train bringing the freight to the station, the condition of the car when received—whether locked or unlocked—and to show the difference in the articles as manifested and as actually received. If the shipment is not received as billed the agent is required to fill out one of these reports and forward it to the freight claim department; also to the agent at the forwarding station. The form requires that he shall state regarding such shipments what the condition of the car was when received at his station, whether the marks of the freight were plain; if damaged, what was his estimate of the amount of damage; whether anything was loaded against or on the freight damaged; what he would state as his reason for the "over," "short," or "damage," and other particulars concerning the condition of the freight. The copy of the report sent to the forwarding agent requires the answering of several questions which will show the condition of the freight when received at the station to be forwarded. When these are written in the agent at the forwarding station is required to send the copy of the report to the freight claim department.

The freight claim department therefore has full knowledge of the condition of the freight when received for shipment at the forwarding station and when delivered at destination. All agents being required to report to the claim department freight



which may be "over short or damaged" at their station, the claim department is at once able to forward to proper destination any freight which may have been left at neighboring stations through error, or from other causes. If the report of "over freight" from the various stations will not account for the freight reported "short," it is concluded that the freight missing must have passed on to the line of some connection. By this system of reporting, freight which has gone astray is readily found. The question of loss to shippers on freight which is not found, and the amount of damages to be allowed for freight so reported, is a matter of subsequent investigation and adjustment. Freight received at a station which does not belong there is at once forwarded to the proper destination if known, but if there is any doubt as to where it belongs the agent is instructed to keep it until he receives orders to forward it to some other station. Regular forms are provided for this purpose, and when necessary are sent to the station agent from the general offices of the company, ordering the movement of the freight to some other station. This is his authority for so doing, and he reports the movement to the general office accordingly. When freight is lost and not found by an "over" report, a tracer is sent out as below described.

#### TRACERS.

It is the custom, where freight is reported by station agents as being short, for the general office—usually the claim department—to send out what is called a "tracer." The heading on a tracer sheet reads as follows:

Freight agents at stations named below will make careful search through their freight house and report promptly hereon whether they find any freight unclaimed with or without mark, answering the following description.

The blank then provides for the description of the shipment. This form is first sent to the station at which the freight was received for shipment. Space is provided for the agent to state whether the freight is at his station or not; if in the negative, it is then passed to the next station, and so on until it reaches the end of the road. With the tracer is sent a copy of the way-bill showing the initial and number of the car in which the freight started. If the tracer fails to locate the property at any of the stations on the line of the first carrier the papers are referred to the connecting road to which the freight was understood to have been transferred, and a similar tracer is forwarded until the goods are traced to their destination. A regular form of tracer is used between connecting roads to show the date of the transfer of goods, and further particulars regarding the shipment.

A book is also kept in the claim department containing a description of the shipments for which tracers have been made, the date the tracer was started, and result of tracing—whether the goods were found, if not, how the matter was adjusted.

#### CORRECTION SHEETS.

When an agent at a receiving station discovers an error in the waybills of freight received, a "correction sheet" is made and forwarded to the agent at the billing point, and a copy is also sent to the auditor. In the same manner if the agent at a forwarding station discovers after the freight has been way-billed that there was an error in the rate or computation of the earnings, he at once makes a "correction sheet" and forwards the same to the agent at destination, and a copy to the auditor.

When the reports of agents for freight forwarded and freight received reach the auditor's office they are examined, and if errors of any kind are found by the auditor's office, a "correction sheet" is made and copy of same is forwarded to the agent at starting point and to the agent at destination, and their records are adjusted accordingly.

If corrections are made upon through billing it is the custom also to send corrections to the agents of connecting roads to which traffic was delivered, so that the proper charges may be collected at destination. If the traffic is covered by a fast freight-line way-bill it is also necessary to advise the counting office of the fast freight line of any changes necessary in such billing.

## UNDER-AND-OVER-CHARGE REPORT.

At many of the large stations the errors made in the billing frequently aggregate large sums. Where these errors affect the amount of charges to be collected they are adjusted before the freight is delivered. This may not always be possible, and an account is kept which is termed an "under-and-over-charge account," and at the end of each month the agents are required to make a report of such "under-and-over-charges," showing the difference which may appear as a debit or credit to their accounts. If an agent from this cause becomes indebted to the company, and such indebtedness can not be otherwise adjusted, a voucher is passed for the purpose of balancing the account, such voucher being termed "re-imbursement voucher," and record of the same may be found in the auditor's office.

## FREIGHT EXPENSE BILL.

When freight is received at a station the agent makes what is termed an "expense bill." This gives a description of the consignment, and should correspond with the way-bill and agent's record of freight received, showing the weight, rate, and amount of charges to be collected. When the freight is delivered the charges shown by the "expense bill" should be paid by consignee, who retains the "expense bill" as a receipt for the payment of the charges. The "expense bill" is required by the railroads to be produced to show what payment was made by consignee in case of any subsequent claim or controversy as to rates, or other questions arising in connection with a shipment.

## MEMORANDUM AGREEMENT.

It is the custom to require the prepayment of freight charges on all perishable property. Sometimes this practice is waived by the railroad companies, and when it is the shipper gives a guaranty that if the freight charges are not paid by the consignee at destination they will be paid by the shipper. A regular form is used by the railroads for this guaranty.

## RELEASE.

Certain articles of freight, as specified by the classification governing, will not be shipped unless a "release" from all damage in the transportation of such articles is given by the shipper. For this purpose a regular form is used, and when signed by the shipper "releases" the railroad from certain liabilities.

## LIVE-STOCK CONTRACT.

For all shipments of live-stock most roads have a form of contract which states certain conditions under which live-stock will be transported. The value of the live-stock is stipulated in the case of injury; it also states that the shipper is to load, feed, and water stock, and contains rules regarding the passing of men in charge of live-stock.

## MISCELLANEOUS BLANKS.

At some stations a form of receipt is used to be signed by consignee for the delivery of the goods; there are also books for this purpose.

At the larger stations when freight is received it is the custom to notify the consignee, by postal card or otherwise, of the arrival of his goods. In New York, where the delivery of the freight is to be completed by lighter, it is the custom to notify the consignee that goods are ready for delivery and will be transferred to the depots of the road receiving same unless the consignee notifies the road that delivery is preferred at some other point within the lighterage limits.

Most of the trunk roads at New York have consigned to them direct from foreign ports traffic for shipment to interior points in the United States. Such traffic is termed "Foreign Freight," and separate reports are made by agents at forwarding stations of such freight. Forms are specially provided for this purpose.

## ACCOUNTS AT JUNCTION POINTS.

The process of passing or transferring freight from one road to another at junction points is governed by the character and volume of business at such points. Buffalo is a large junction point as well as a large local station. Freight is transferred at that point between several railroads, between the railroads and the lines operating on the lakes, and between the canal and the lake lines. The methods for the expeditions movement of through freight at Buffalo are under the general supervision of what is called the "Buffalo local committee," composed of agents of the different roads connecting at Buffalo, under the direction of the Central Traffic Association. Similar committees have supervision of the business at other important junction points.

Nearly all of the eastern roads delivering freight to western roads have yards adjoining those of their connections, so that for solid car-load freight the actual transfer is made simply by the change of engine and crews. In the vicinity of Buffalo are Black Rock and Suspension Bridge, both terminal points of the eastern and western roads. In order to connect with the western roads which have their freight terminus at either of these points, the eastern roads will way-bill their freight to the point necessary to make the direct connection. For example, if freight from the east is routed via the Lake Shore road from Buffalo, it would be way-billed by the eastern road to Buffalo; if the same eastern road had freight for the Grand Trunk Railway, it would be way-billed to Suspension Bridge; if for delivery to the lake lines, it would be way-billed to the particular local station in Buffalo nearest the wharves of the connecting lake line. Traffic coming east is way-billed to the point near Buffalo at which direct connection is made with the eastern road over which the freight is consigned. Grain from the lake lines passes into the elevators and then to the cars. The live-stock traffic coming eastward is all way-billed to the stock-yards at East Buffalo. All of the railroads entering Buffalo have trackage arrangements by which they can reach the stock-yards, and if the stock is unloaded for any reason from the cars of the western roads they can be reloaded at the stock-yards into the cars of the road over which they are consigned.

For freight passing West on a through way-bill no new way-bill would be made at Buffalo; the original bill or running card would pass Buffalo with the freight. For such freight the agent at Buffalo would record its arrival upon "Agent's Record of Freight Received," designating it as passing through, and a corresponding report would be made to the auditor of each day's business. A form of receipt, which is called by some a "Transfer Slip," or a "Transfer Way-bill," would be made by the agent of the eastern road, giving a description of the goods, way-bills, etc., and signed by the agent of the connecting road forwarding the freight. At some stations a book is kept for this purpose. At other stations an order is given to the yard master in charge of switching that certain cars are ready for delivery to a connecting road. When the switching is done a receipt is signed, which becomes the agent's receipt for the delivery of the cars to the connecting road. A record of some sort may be found at junction points showing delivery of all freight to or received from connections.

When freight is way-billed through, and is moving under a "running card" or "loaded car ticket," such car-ticket moves with the freight to junction point. Upon the backs of these car tickets is a space which is required to be filled up by the freight-train conductors, showing the movement of the cars. It is therefore an easy matter to trace the actual movement of all traffic which may be covered by a through way-bill, and to ascertain the exact time it reached and left a junction point, as the running cards may be found on file in the auditor's office.

The manner of unloading package freight at junction points depends entirely upon the character of the freight and the quantity. When loading mixed car-loads at the eastern cities for western points an attempt is made to keep together all freight for common destinations, in order to avoid the reloading at the junction point. West



of Buffalo there are a great many points which are called "Through Billing Points," principally the cities and the larger towns, and freight destined for smaller towns throughout the western States is way-billed through and loaded in cars for the larger points to which there is generally sufficient freight to make a car-load. Package freight destined for points beyond Buffalo which are not through billing points would be transferred to the proper connecting road at Buffalo. The manner in which these transfers are actually made varies, owing to the arrangements which may be made between the local agents at Buffalo, such arrangements being usually with a view to make the labor as light as possible, and facilitate the quick movement of freight. Thus, if the New York Central road had package freight in several cars arriving at Buffalo, and that freight occupied the greater portion of several cars, all such cars might be switched to the station of the connecting road; or if there was sufficient freight in several cars of the New York Central road consigned to the Lake Shore road, such freight would be concentrated into one car and the car turned over to the Lake Shore road.

The accounting in billing offices with respect to package freight not billed through is the same as if the freight became a new shipment from Buffalo; that is, the records in the office of the New York Central Railroad would show its arrival at Buffalo, and the records of the connecting road would show it as having been forwarded from Buffalo. The agent of the New York Central and Hudson River Railroad would collect his freight from the agent of the Lake Shore road the same as from a consignee at Buffalo. At junction points, where the interchange business is large, there is usually an open money account between the agents. The New York Central agent becomes daily indebted to the agent of the Lake Shore Railroad for the charges on freight delivered by the Lake Shore agent, which would be collected by the New York Central road at destination, and, vice versa, the Lake Shore agent is indebted to the New York Central agent for the charges on freight delivered by the New York Central to the Lake Shore. When the freight is transferred, each charges or credits the other, as the case may be, and at the end of the day or week, as may be agreed, the balance is struck and money exchanged. Blanks and books are kept for this purpose.

If any question should arise with respect to a shipment of freight from the east, there would be no difficulty in tracing the actual movement and charges on such freight. The records to be referred to at the junction point are:

First. At the receiving station:

Agent's Record of Freight Received.

The Transfer Slip, the Transfer Way-bill, or the Receipt-Book, showing the receipt by the agent of connecting road for such freight.

The Agent's Report to Auditor of Passing Freight.

Second. At the forwarding station of the connecting road.

Agent's Report of Freight Forwarded.

And to further prove the movement of a particular car there should also be found the report of the agent to the car record office, showing the departure of the car by number.

If the freight was covered by a through line bill of one of the fast freight lines, and this fact being known, the same reports should be referred to as made by the agents upon the blanks of the particular fast freight line by which the shipment was made.

For freight received at Buffalo by the agent of the New York Central road intended for delivery to the lake lines, the New York Central agents keep the same records and make the same reports as for freight delivered to connecting roads. Solid car-loads of freight may be delivered to the wharves of the lake lines and the freight is then transferred to the boats and new way-bills are made.

Grain from the lake lines destined east, passing into the elevators, is entered upon the records at the elevators and settlements made with the vessels; these settlements

embrace the charges for freight, elevation, shoveling and shortage, regular blanks being used for this purpose.

The Association of American Railway Accountants are now considering the subject of through billing, and as this will necessitate changes of accounts at junction points, an effort will be made to keep informed as to the introduction of new methods of accounting at such points.

#### CLAIMS AND VOUCHERS.

The general freight office or the claim department, which is under the supervision of the general freight agent, is constantly in receipt of claims presented by shippers for a refund of freight charges arising from loss or damage or from over charges due to errors in rates or weights. It is the duty of the claim department to examine and adjust such claims. When a shipper has a claim against a railroad company it is usually presented to the agent of the company where the freight was delivered, or to the general freight agent of the company. Before such claims will receive the attention of the claim department, it is the custom to require the claim to be accompanied by a copy of the bill of lading, the expense bill, and all other papers fully explaining the nature of the overcharge. Record of the claim is then made in the office of the claim department, in a book called the "claim register." The matter is then investigated and if it is found that the claim is one which is entitled to a refund a voucher is drawn for the amount due. Before the voucher can be finally settled it must be approved by the officer in charge of the claim department, the general freight agent, the general manager, or other official assigned that duty. As the auditor of the road keeps a record of all expenditures, vouchers or claims before paid pass through his office, where a record is made of them in what is termed the "voucher record book," which shows a synopsis of the claim, in whose favor the voucher is drawn, amount, etc.; the vouchers are then by him approved.

With some roads the vouchers for the payment of claims are approved by only one or two officials, while with others they pass through the hands of several. One road has what is termed an "auditing committee." After vouchers have been approved by the claim and freight departments of this road they are placed before the auditing committee, which is composed of the president, vice-president, and general manager. Claims of every nature requiring the payment of money are approved by this committee before paid. They are then forwarded to the treasurer's office, where a record is made of them in a book entitled "register of paid vouchers," and a check is drawn for the amount. It is the custom of the same road to pay every claim by check, so that with respect to all claims and settlements with shippers or roads a record is to be found in the check-book.

With other roads the vouchers for claims are made in the general freight agent's office, and sent to the office of the auditor of disbursements for approval; a record is then made of them, and the vouchers are sent to the treasurer's office for payment. For advertising on account of passenger business voucher for the expense would be made by the general passenger agent, approved by him and the auditor, and sent to the treasurer for payment. For supplies the vouchers are generally accompanied by the bill and drawn by the officer in charge of the department making the purchase.

Another road uses what is called a "bill," which is required to be filled out by parties having any claims for settlement with the company. These bills are made out and with them also a voucher; both are filled in, giving in detail a description of the claim, and in the case of a purchase the description of the articles and the amount. When the bill has been accepted and the voucher properly approved by the officials of the various departments, according to the character of the bill, the voucher is forwarded to the party in whose favor it is made. The voucher itself is a draft upon a National Bank, and when presented at the bank properly signed will be paid. In the office of the auditor of disbursements is retained the original copy of all bills from which the vouchers are made. These bills are filed in a systematic

order. There is also kept a book called a "register of vouchers," which shows the date of the voucher, in whose favor it is made, the amount, and a reference number to the original bill which shows all details connected with it. All vouchers presented at the bank for payment are retained by the bank and at stated periods returned to the treasurer's office and passed to the auditor of disbursements, who then makes record upon the "voucher register" to the effect that they have been paid; so that it is possible for the auditor of disbursements to determine at any time what vouchers remain outstanding unpaid, and records of all payments of whatever nature made by this road is to be found in the same office.

With all roads a record of vouchers drawn and approved should be found both in the office of the general freight agent or claim department, and in the office of the auditor, and the books containing these records are usually called "voucher register," or "voucher record book." There should also be found in the treasurer's office a record of every voucher paid.

When a shipment is made under a fast freight line billing, claims are frequently made direct upon the fast freight line offices. The methods of these offices in handling and approving the claims are practically the same as those of the railroads. After they have been approved they are paid direct from the offices of the fast freight lines. At the end of the month, when an accounting is had between the railroads and the fast freight lines for the adjustment of earnings, etc., all claims paid by the fast freight lines are charged against the roads over which the freight passed, upon the same basis upon which the earnings would be divided. The vouchers of all claims for overcharge, loss, or damage are submitted to the freight agents of the different roads for approval, and are then passed upon at a monthly meeting and the payments audited and approved by the persons representing the different roads members of the line.

With some roads the form of voucher is alike for all expenditures; the particulars in each case are required to be written in. With other roads a separate form is made for each class of regular payments; one road has the following forms:

General form for miscellaneous expenditures.

Form for loss or damage to freight.

Form for claims for personal injury, or damage to property.

Forms for claims for overcharge.

Form for payment of car mileage.

Owing to the long time which is necessary for the examination and approval of claims, six months or a year frequently elapse after the presentation of a claim legitimately made for an overcharge before payment is made. This is suggested as a difficulty which would be encountered in an effort to ascertain whether at any subsequent time a repayment had been made in connection with any particular shipment. The record of the voucher for such purpose is not necessarily connected with the record of the original payment of the freight charges. The voucher record, however, would show the date of shipment and other particulars in connection with the billing, and should also fully explain what the payment covers. The nature of the payment being to some extent known there should be no difficulty in ascertaining from the records of the auditor's and treasurer's office full particulars of all payments.

#### CAR MILEAGE.

In the transportation department of most roads is a subdivision known as the "car record office," where there is kept a record of the daily movement of all cars on the line of the road. These records are made up from the reports furnished by conductors of freight trains, and agents at freight stations. Conductors of freight trains are required to report the movement of all cars in their train, showing from what station they were taken, and at what station left. The agents at stations are required to report daily the number of cars received and forwarded from their stations. From these reports the car record office has knowledge of the location and movement of



every car on the line. The reports made by conductors of the movement of cars are used as the basis for computing the mileage run by each car. A book is kept in the car record office into which is entered on the first of the month the name or number of the station at which each car is located. When a car is moved the conductor reports its movement and an entry is made in the book referred to accordingly. This book being divided into spaces for an equal number of days of the month will show that on a certain day a car was at one station and that on a later day it was at another station, and so on, showing it at different stations as often as so reported until it had passed off the road. At the end of the month the mileage between the various stations between which it was shown the car had passed is computed, and the total mileage run by each car is obtained.

The records are arranged so that the cars of each road are recorded separately, and at the end of the month the mileage of each car is computed as well as the total mileage run by all cars of each road. The report of the mileage of cars is made in the name of the owner of the car, whether it be a railroad, private car company, or an individual. For cars in the fast freight line service, which are contributed by various railroads and owned by such roads, the mileage and earnings are usually reported direct to the owners of the cars. It is known that one of the fast freight lines receives earnings for cars in the line, and in turn settles with the owners.

It is the custom at this time to pay mileage on cars on the basis of a certain rate per mile haul. For a long time past the Eastern roads had been considering the plan of charging for the use of cars at a per diem rate in addition to a small charge for mileage, such a plan, it is thought, would hasten the return of cars to owners and prevent them from being used by railroads and shippers for storage purposes, as well as to prevent roads with insufficient equipments from retaining them in their own service. This plan was given a trial by a number of roads and for some reason was discontinued, but it is not understood that it has been permanently abandoned.

Settlements for the payment of mileage accounts are usually made between railroads once a month. With roads whose debits and credits show nearly an equal amount it is understood accounts are allowed to stand until the balance becomes important in amount, when it is then paid. At the end of the month a statement is made up from the records referred to in the car record office, and by the official in charge of that office forwarded to the auditor's office for approval. With some roads a voucher for the amount due other roads is made in the car record office and passed with the statement to the auditor's office; with other roads the vouchers are made in the auditor's office from the statement furnished by the car record office, and the vouchers are passed to the treasurer's office where check is made and forwarded to each company. Another form of settling the accounts is to advise each company that certain money is due it on account of car mileage, and ask them to make a draft for that amount.

With one road bills for the payment of car service are prepared in the office of the general superintendent of transportation and are certified to as correct by that official individually. From these bills vouchers are made in the office of the auditor of disbursements and the same are approved by the comptroller. Each voucher is then forwarded to the road in whose favor it is made, and that voucher being the same as a bank check can be used accordingly. At the time the bills are prepared, and prior to the issuing of the voucher, the office of the general superintendent of transportation advises the owners of the cars of the amount of car service which is due them, and the voucher which is made up and received from the office of the auditor of disbursements should correspond with the amount shown upon the advice received from the office of the general superintendent of transportation.

The mileage earned by private car companies, or cars owned by individuals, is paid by all roads in the same manner as they pay mileage for cars owned by other railroads.

At the office of one company it was observed that it would not be a difficult matter to allot an arbitrary mileage as having been earned by the private car companies.

It appeared that the statements for the mileage are made up in the car record office, and that these statements (which are forwarded to the auditor) simply gave the names of the owners of the cars and the total number of miles their cars had run during the month, and the amount of money they had earned computed at the agreed rate per mile. It was understood that these statements as rendered from the car record office are accepted at the auditor's office as being final, and were not subject to any process of checking. It was noticed that the mileage earned by the cars of one of the large owners of refrigerator cars for one month amounted to \$1,800. This amount was arrived at by multiplying by three-fourths of a cent per mile the number of miles necessary to make that amount. As there was no check upon this amount these refrigerator cars could as well have been credited with the necessary mileage to make the amount due it, \$2,000, or, say, \$2,500. In very few instances do owners of cars have any way of knowing the exact mileage which their cars run on other roads, except the statement of the car record office of the road using the cars. These statements are accepted as final, and it was not observed that there was any way by which either the auditor's office or the treasurer's office could verify the amounts which the car record office reported as due to other companies. A general manager or other superior officer in charge of the car department could stipulate that the mileage of private cars of certain owners should not be less than a stated number of miles each month. Under the arrangement of the road in question it would not be a difficult matter to have the views of the management met in this respect. The increase of a few hundred miles on the statement made in the car record office would easily accomplish this result, and the knowledge of it need not extend beyond the car record office.

#### GENERAL REMARKS.

If for any reason it became necessary to investigate the records of a railroad to ascertain the movement and charges upon any particular shipment, there should be no difficulty in readily obtaining all the records which would in any way show the billing of such freight. Taking as an illustration for this purpose a shipment from New York via the Red Line to Chicago, the following records would be referred to:

- (1) The shipping receipt as issued by the agent at the New York Central forwarding station.
- (2) The bill of lading.

These should show the date when the goods were delivered at the forwarding station. Knowing the date, reference would then be made to the following:

- (3) Copies of the way-bills in the billing station.
- (4) Agent's record of freight forwarded.

These should show a full description of the shipment, together with the weight, rate, and charges, and should also show the number and kind of car into which the freight had been loaded. Following these there should be—

- (5) Report from the agent to the car record office.

This would show the number of the particular car into which the freight was loaded; also showing that the car had left the station on a certain date. There should also be found in the car record office—

- (6) A report from the freight-train conductor.

The report of the freight-train conductor would show that the car in question was in his train, and that it left the station at a certain time. Allowing the usual time for the car to reach Buffalo, reference would then be made to—

- (7) The Buffalo agent's record of freight received, or the Buffalo agent's record of passing freight.

Either of the above would show that the car and the freight had arrived at Buffalo. It being a solid car, it would only then be necessary to trace the movement of the car by number. Reference could then be made to—

- (8) The records of copies of the transfer slip or transfer way-bill,

which would show that the car had been actually transferred to the connecting road.

(9) The agent's record of freight forwarded of the connecting road would show the departure of the car, and such departure would also appear upon—

(10) The freight-train conductor's report of cars moving as made to the car record office of the connecting road.

At Chicago the agent of the connecting road would also report in his record of freight received this car and all the details of the shipments it contains. If the freight was consigned to a Chicago merchant there would be made out upon its arrival a notice to the consignee that his freight had arrived, and the expense bill. When the freight was delivered a receipt would be taken for such delivery, either upon a blank form or in a book provided for that purpose. The way-bill at the starting point being the original paper on which the freight is received, an examination of this in connection with the tariffs covering the same points would show whether the freight had been properly classified and correct charges on the shipment had been made.

With the records here mentioned there should be no difficulty in tracing a shipment through all the records which it may pass from point of shipment to point of destination, whether it be moved as a solid car-load or a package shipment. These records would show how the shipment was actually way-billed and what charges were collected; whether there was any subsequent reduction of these charges is a matter which would not necessarily appear on the face of the billing, and could only be ascertained from the records of the companies showing money payments, such as vouchers, claims, etc. The method of ascertaining information in this respect has been referred to under the heading of "claims and vouchers."

The information gathered at the various places visited would allow more detail to be given for the several subjects referred to; but for the purpose of this report it does not appear necessary, it being thought sufficient to indicate what records would be of service to the Commission for the purpose of being informed as to the methods of any carrier concerning its manner of shipping freight, collecting charges, etc., and performing all service connected therewith. It is thought that the various forms and the comments pertaining thereto as mentioned will give this information.

There are many other matters connected with the general subject here treated of, and to which some attention was given at the various points visited. Many of these have at different times come before the Commission, and quite full information respecting them may be found in the testimony of cases on file; they are, therefore, not here especially referred to. Some of these subjects are here mentioned, viz:

Cartage charges, switching charges, terminal charges, mileage rates on refrigerator cars and tank cars, demurrage rules, lighterage rules, milling in transit, weighing and handling live-stock, inspection and weighing bureau, underbilling, short billing, manipulation of rates, commodity tariffs, foreign bills of lading, export traffic, lake and rail traffic.

C. C. MCCAIN,  
*Auditor.*



## APPENDIX 6.

INTERSTATE COMMERCE COMMISSION,  
*Washington, April 10, 1889.*

*To the* \_\_\_\_\_

On the 26th day of October, 1888, a circular was sent to you by the Interstate Commerce Commission, calling your attention to the provisions of an act of Congress, approved August 7, 1888, entitled "An act supplementary to the act of July 1, 1862, entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' and also of the act of July 2, 1864, and other acts amendatory of said first-named act," of which act a copy was also transmitted to you.

You were requested by that circular, with all reasonable promptitude, to comply with certain specified provisions of said act, by filing copies of contracts mentioned in the sixth section of the act, and also certain reports, required by the act, with the Interstate Commerce Commission.

These duties not having been complied with, you are now requested, pursuant to said act, within fifteen days from the receipt by you of this notice, to file with the Interstate Commerce Commission at its office in the city of Washington, D. C., full and complete reports upon the following subjects:

First. In what manner, and to what extent, if at all, you comply with the first section of the said act of August 7, 1888, which provides "that all railroad and telegraph companies to which the United States has granted any subsidy in lands or bonds or loan of credit for the construction of either railroad or telegraph lines, which, by the acts incorporating them, or by any act amendatory or supplementary thereto, are required to construct, maintain or operate telegraph lines, and all companies engaged in operating said railroad or telegraph lines shall forthwith and henceforward, by and through their own respective corporate officers and employes, maintain and operate, for railroad, governmental, commercial and all other purposes, telegraph lines, and exercise by themselves alone all the telegraph franchises conferred upon them and obligations assumed by them under the acts making the grants as aforesaid."

Second. Whether any telegraph company which has accepted the provisions of Title 65 of the Revised Statutes, and if so what company, has extended its line to any station or office of a telegraph line belonging to your company, and whether any telegraph company that has so extended its line has formed a connection for the prompt and convenient interchange of telegraph business between said companies; and whether you so operate your telegraph lines as to afford equal facilities to all, without discrimination in favor of or against any person, com-

pany or corporation whatever; and whether you receive, deliver and exchange business with connecting telegraph lines on equal terms, and affording equal facilities, and without discrimination for or against any one of such connecting lines, and on what terms such exchanges of business are made.

Third. Whether, in operating your railroad or telegraph lines, you refuse or fail, in whole or in part, to maintain and operate a telegraph line as provided in the first section of the act, for the use of the Government or the public, for commercial and other purposes, without discrimination; or whether you refuse or fail to make and continue such arrangements for the interchange of business with any connecting telegraph company.

Fourth. You are also required within the said fifteen days to file with the Commission copies of all contracts and agreements of every description existing between your company and every other person or corporation whatsoever in reference to the ownership, possession, maintenance, control, use or operation of any telegraph lines or property over or upon its rights of way.

Fifth. You are also required within the said fifteen days to file with the Commission a report describing with sufficient certainty the telegraph lines and property belonging to your company, and the manner in which the same are being used and operated by your company, and the telegraph lines and property upon its right of way in which any other person or corporation claims to have a title or interest, and setting forth the grounds of said claim, and the manner in which the said lines and property are being used and operated.

Your attention is called to a provision in the sixth section of the act, as follows :

And if any of said railroad or telegraph companies shall refuse or fail to make such reports or any report as may be called for by said Commission, or refuse to submit its books and records for inspection, such neglect or refusal shall operate as a forfeiture, in each case of such neglect or refusal, of a sum not less than one thousand dollars nor more than five thousand dollars, to be recovered by the Attorney-General of the United States, in the name and for the use and benefit of the United States; and it shall be the duty of the Interstate Commerce Commission to inform the Attorney-General of all such cases of neglect or refusal, whose duty it shall be to proceed at once to judicially enforce the forfeitures hereinbefore provided.

EDW. A. MOSELEY,  
*Secretary.*

APPENDIX 6a.

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GOVERNMENT-AIDED TELEGRAPH LINES.

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ANNUAL REPORT

OF

TO THE

INTERSTATE COMMERCE COMMISSION

OF THE

UNITED STATES.

For the year ending June 30, 1889.

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[NOTE.—This form should be filled out and returned to the Interstate Commerce Commission by October 1, 1889. It is believed that the questions asked are sufficiently plain, so that no detailed instructions are needed. In case, however, any question is not understood, a letter of inquiry to the Interstate Commerce Commission respecting it will meet with ready response.]



## HISTORY.

1. Name of company making this report ?
2. Date of organization ?
3. Under laws of what Government, State, or Territory organized ? If more than one, name all ; give reference to each statute and all amendments thereof.
4. If a consolidated company, name the constituent companies. Give reference to charters of each, and all amendments of same. If successor to any other company, give name of company whose franchises or rights have been acquired.
5. Date and authority for each consolidation, or of acquisition as successor of any other company.
6. If operated by another telegraph company, give name of such company.
7. If operated by a railway company, give name of such company.

ORGANIZATION.

Name of directors.	Post-office address.	Date of expiration of term.

OFFICERS.

Titles.	Name.	Location of office.

Total number of stockholders at date of last election ?

Date of last meeting of stockholders for election of directors ?

Give post-office address of general office.

## OPERATING AGREEMENTS.

1. Name all the companies with which this company has agreements for the interchange of business.

2. State which of the above-mentioned agreements are in the form of written contracts, and designate the contracts by date or otherwise. State whether such agreements or contracts are filed with the Interstate Commerce Commission.

3. State the points at which the lines of this company intersect the lines of other companies with which business is not exchanged.

## GOVERNMENT AID.

1. Give date of any subsidy, grant, or aid received from the Government for telegraph purposes, and state the nature and extent of the same.

2. State the nature, extent, and value, at the present time, of any property or aid acquired from the Government.

3. State the nature, extent, and value, at the present time, of property otherwise acquired than by Government subsidies.





## CAPITAL STOCK.

Description.	Par value of shares.	Total par value authorized.	Total amount issued and outstanding.	Market price of shares.		Dividends declared during year.	
				June 30, 1889.	Average for year.	Rate.	Amount.
Capital stock :							
Common .....							
Preferred .....							
Total .....							
Manner of payment for capital stock.	Number of shares.	Total cash realized.	Date of issue.	Authority for issue.		Remarks.	
Issued for cash :							
Common .....							
Preferred .....							
Issued for construction :							
Common .....							
Preferred .....							
Issued for dividends .....							
Issued for .....							
Total .....							





## EARNINGS AND EXPENSES OF OPERATION.

A.—*Earnings.*

Earnings from operation.	Items.	Total.
Receipts from messages—		
Transmitted for the Government .....		
Transmitted for the press .....		
Transmitted for the railways .....		
Transmitted for private parties .....		
Transmitted for all other purposes .....		
Total earnings from operation .....		

B.—*Expenses.*

Expenses of operation.	Items.	Total.
Expended for—		
General administration .....		
Operation of line .....		
Maintenance of line .....		
Improvements (if charged to operating expenses) .....		
All other operating expenses .....		
Total expenses of operation .....		
Net income from operation .....		

Per cent. of operating expenses to operating income .....

## INCOME ACCOUNT.

	Items.	Totals.
Total earnings from operation .....		
Less operating expenses.....		
Net income from operation .....		
Income from other sources:		
From bonds owned .....		
From stocks owned.....		
Miscellaneous .....		
Total from other sources .....		
Total income .....		
Deductions from income:		
Interest .....		
Taxes .....		
Rentals.....		
Other fixed charges.....		
Total deductions from income.....		
Net income.....		
Dividends per cent., Preferred Stock .....		
Dividends per cent., Common Stock .....		
Other payments from net income .....		
Total.....		
Surplus or deficit on June 30, 1888 .....		
Surplus for year ending June 30, 1889.....		
Deficit for year ending June 30, 1889.....		

## GENERAL STATEMENT.

A.—*Messages transmitted.*

Number of Messages transmitted for the Press .....	
Number of Messages transmitted for the Government .....	
Number of Messages transmitted for the Railway Service .....	
Number of Messages transmitted for private parties .....	
Number of Messages transmitted for all other purposes .....	
Total number of Messages transmitted .....	
Number of Franked or Free Messages .....	
Number of Messages exchanged with other companies .....	
(Stating the number exchanged with each company.)	

B.—*Employés.*

Rank.	Highest number en- ployed during year.	Lowest number em- ployed during year.	Average number em- ployed during year.	Annual payment in salaries or wages.
General Officers .....				
General Office Clerks .....				
Operators .....				
Messengers .....				
Linemen .....				
All others .....				

C.—*Offices and instruments.*

Number of General Offices .....	
Number of Branch Offices .....	
Number of sets of Morse Instruments .....	
Number of sets of Other Instruments .....	
Number of Cells in Batteries .....	
Number of Dynamos .....	



STATE OF \_\_\_\_\_,

County of \_\_\_\_\_ ss:

We, the undersigned, \_\_\_\_\_, president, and \_\_\_\_\_, of the \_\_\_\_\_ company, on our oath do severally say that the foregoing return has been prepared, under our direction, from the original books, papers, and records of said company; that we have carefully examined the same, and declare the same to be a complete and correct statement of the business and affairs of said Company in respect to each and every matter and thing therein set forth, to the best of our knowledge, information, and belief; and we further say that no deductions were made before stating the gross earnings or receipts herein set forth, except those shown in the foregoing accounts; and that the accounts and figures contained in the foregoing return embrace all of the financial operations of said Company during the period for which said return is made. •

\_\_\_\_\_,

*President,*

(or other Chief Officer.)

\_\_\_\_\_,

*Treasurer,*

(or other Officer in charge of the Accounts.)

Subscribed and sworn to before me this \_\_\_\_\_, day of \_\_\_\_\_, 188 .

\_\_\_\_\_,

\_\_\_\_\_,

## APPENDIX 7.

### FREIGHT CLASSIFICATIONS.

At this time it may be said that there are but three freight classifications in use throughout the United States, viz :

The Official classification.

The Southern Railway and Steam-ship Association classification.

The Western classification.

The Official classification is almost exclusively used by railroads throughout the territory east of Lake Michigan, Chicago and the Mississippi River, and north of the Ohio and Potomac Rivers, to the sea-board.

The Southern Railway and Steam-ship Association classification is applied generally by roads south of the Ohio River and east of the Mississippi River to the sea-board.

The Western classification governs in the territory north and west of Chicago, west of a line drawn from Chicago to St. Louis, and west of Mississippi River, St. Louis to New Orleans.

In each of the three divisions of territory described exceptions to the principal classifications are made by State commissions and by individual roads for State or local traffic. Traffic between points in the different territories mentioned is taken at either one or the other of the leading classifications; for example, the classified traffic from the Atlantic sea-board points to the Pacific coast is carried under the Western classification; traffic from Chicago to Atlanta, Ga., is carried under the Southern Railway and Steam-ship Association classification. Exceptions are also made to each of these classifications for articles which are usually carried at commodity rates, such as coal, iron, oil, live stock, sand, grain, etc. The larger portion of the traffic from the East to the Pacific coast is forwarded under commodity rates.

In the Second Annual Report of the Commission reference is made to some of the classifications used independently of the three leading classifications. In these, as well as others not there referred to, changes have been made by which the principal classifications have taken the place of the local classification. The following statement is presented to show the extent of these changes, and also what classifications are still used in addition to the leading classifications :

#### IN TERRITORY COVERED BY THE OFFICIAL CLASSIFICATION.

*Adirondack Railway.*—The local traffic of this road between Saratoga and North Creek, New York, is covered by a local classification.

*Baltimore and Ohio Railroad.*—The greater part of the traffic of this road is covered by the official classification. Certain exceptions are made for local traffic where, it is claimed, they are obliged to make

lower rates on low-class freight. These rates, it is understood, are necessary to meet the rates of roads not interstate, and competition by certain water routes.

*Bridgton and Saco River Railroad.*—This is a short road in Maine which uses the local classification of the Maine Central Railroad, with which it connects.

*Bangor and Piscataquis Railroad.*—Use a local classification, but hope to adopt the official classification as soon as may be.

*Boston and Maine Railroad.*—Local traffic over the eastern, western, northern and Worcester, Nashua and Portland divisions is governed by a local classification. Local traffic over southern and Passumpsic divisions is governed by official classification with exceptions. Traffic in connection with the Maine Central Railroad is governed by the Maine Central Railroad classification. The official classification is applied to all through traffic in connection with roads using the official classification.

*Canadian joint classification.*—It is understood that a classification bearing this title is used by the Canadian Pacific Railway, the Canada and Atlantic line, Grand Trunk Railway, and other Canadian roads, for traffic passing between points in Canada; for business interchanged between points in the United States and points in Canada the official classification is applied.

*Cincinnati, Washington and Baltimore Railroad.*—For traffic between local points on the line of this road a local freight tariff is used differing considerably from the official classification. On all other traffic the official classification is used.

*Cleveland, Lorain and Wheeling Railway.*—At this time this railway uses a classification between local points on its own line differing from the official classification. Advice has been received that on January 1, 1890, the local classification will be abandoned, and that thereafter the official classification will apply to all traffic passing over this road.

*Cumberland and Pennsylvania Railroad.*—This is a short road in Maryland, connecting with the Baltimore and Ohio road, which uses a local classification.

*Delaware and Hudson Canal Company.*—This company formerly used a local classification on traffic between points in the same State. Within the last year they have abandoned the local classification and are governed entirely by the official classification.

*Greenwich and Johnsonville Railroad.*—This road formerly used a local classification, but its traffic is now subject to the official classification.

*Illinois State Commission.*—The railroad commission of the State of Illinois prescribe a classification for points in that State and it is understood that for such traffic the roads generally use that classification. It is further understood that where rates are lower when made under the official classification, that the latter is used instead of the State commission classification.

*Iron Railway.*—This is a short road in Ohio, using a classification of its own issue.

*Knox and Lincoln Railroad.*—This road is 50 miles long, located in Maine, connecting with the Maine Central Railroad, and uses a local classification.

*Maine Central Railroad.*—This company uses the official classification for all joint through traffic to or from points north of its western terminus at Lunenburg, Vt. On all local traffic and on all other joint traffic through billed to points on or off their western connection (the Boston and Maine Railroad) or their eastern connection (the New Brunswick Railway), they use the Maine Central classification.



*New York, New Haven and Hartford Railroad ; New York and New England Railroad.*—The tariff which is used by these companies and by the Sound Line steamers, entitled "New York and Boston A," for traffic between New York and Boston, contains a long list of articles giving rates which are different from the official classification. The use of this tariff practically creates a different classification on such articles.

*New York and Northern Railway.*—This company formerly used a local classification for business between points on its own line. The local classification has recently been abandoned and the official is the only one now used.

*New York, Providence and Boston Railway.*—For traffic on the Providence and Worcester Division of this road a local classification is used, and for the New York and Boston traffic the tariff used by the Sound Lines is also used by this company. It is expected that the local classification referred to will soon be replaced by the official classification.

*Ohio Valley Railway.*—This is a short road running from Evansville, Ind., to Princeton, Ky. All local traffic has an independent classification, but is also governed by the official Western and Southern Railway and Steam-ship Association classifications.

*Rumford Falls and Buckfield Railroad.*—This is a short road located in Maine and formerly used a local classification, but is now governed entirely by the official classification.

*Sharpsville Railroad.*—This road formerly used a local tariff, but has recently arranged their tariffs so that they are now governed entirely by the official classification.

*Wood River Branch Railway.*—A short road located in Rhode Island; uses a local tariff and is not governed by any classification.

#### IN TERRITORY COVERED BY THE SOUTHERN RAILWAY AND STEAM-SHIP ASSOCIATION CLASSIFICATION.

*Associated Railways of Virginia and the Carolinas.*—Throughout the territory covered by these roads exceptions are made to the classification of the Southern Railway and Steam-ship Association. These exceptions are understood to be necessary to meet the requirements of the State commissions. After February 1, 1890, exceptions to the Southern Railway and Steam-ship Classification will be discontinued as far as possible.

*East Tennessee, Virginia and Georgia Railway.*—For traffic between stations on this line the Southern Railway and Steam-ship Association classification is applied, with certain exceptions. On traffic from Knoxville, Chattanooga to stations on the Norfolk and Western Railroad, the local classification of the latter company is used.

*East Tennessee and Western North Carolina Railway.*—This road is 35 miles long, situated in North Carolina, and uses a local classification for its own business.

*Florida State Commission.*—The railroad commission of Florida prescribe a classification to be used on local business in Florida, which, it is understood, is the same as the Southern Railway and Steam-ship Association classification with a few modifications.

*Georgia State Commission.*—The railroad commission of Georgia prescribe a classification to be used by roads wholly within the State. It is understood that this classification is still in use.

*Louisville and Nashville Railroad.*—Formerly this company had in use upon its road a classification for traffic between its local points which was entirely different from the Southern Railway and Steam-ship Association classification. The local traffic of this company is now carried under the classification of the Southern Railway and Steam-ship Association with certain exceptions.

*Louisville, New Orleans and Texas Railway.*—A local classification is in use upon this road which is understood to be the Southern Railway and Steam-ship Association classification with exceptions.

*Illinois Central Railroad (Southern Division).*—This road formerly used the Mississippi State classification, and also what was known as the Mississippi Valley joint classification. It is now understood that the traffic is governed by the Southern Railway and Steam-ship Association classification with a few exceptions.

*Mobile and Ohio Railroad.*—This company formerly used the Mississippi State classification for business between points in that State; they also used a local classification south of Cairo. But these two classifications have been canceled and traffic is now covered by the Southern Railway and Steam-ship Association classification with some few exceptions.

*Nashville, Chattanooga and St. Louis Railway.*—This road formerly used a local classification for traffic between points on its own line. All such traffic is now covered by the Southern Railway and Steam-ship Association classification with a few exceptions.

*Norfolk and Western Railroad.*—It is understood that this road applies, for its local traffic, a classification different than the Southern Railway and Steam-ship Association classification.

*Ohio and Big Sandy Railroad.*—This is a short road in Kentucky which uses a local classification for business between its own stations.

*South Carolina State Commission.*—A classification is prescribed by the railroad commission of the State of South Carolina and used by railroads for traffic within the State. It is understood that this classification is practically the same as the Southern Railway and Steam-ship Association classification.

*South Atlantic and Ohio Railroad.*—This is a short road in Tennessee. All traffic taken at class rates is governed by the official classification.

#### IN TERRITORY COVERED BY THE WESTERN CLASSIFICATION.

*Arizona and New Mexico Railroad.*—This is a short road doing interstate business which is not governed by any classification, its traffic being composed of bullion, copper, coke, ore, etc.

*Duluth, South Shore and Atlantic Railway.*—A local classification was formerly in use upon this road, but has been superseded by the western classification for all traffic.

*Iowa State Commission.*—It is understood that the railroad commission of the State of Iowa prescribes a classification to be used between points within the State.

*Missouri State Commission.*—It is understood that the railroad commission of the State of Missouri prescribes a classification for traffic between points within the State. This office is informed by one road that the State classification is not used if the Western classification will make a lower rate. It is not thought that the State classification is now applied to any extent.

*Mexican classification.*—A classification of this title was formerly published in connection with the joint through Mexican tariff and classification applying to or from points in the Republic of Mexico and Chicago, St. Louis, New Orleans, Kansas City, Galveston, and San Francisco. This classification does not appear to be now in use; such through rates as are issued are governed by the Western classification with exceptions.

*Oregon Pacific Railroad.*—This is a road in Oregon 72 miles long; a local classification for its own traffic is used.

*Oregonian Railway.*—This is a road 100 miles long in Oregon, which uses a local classification for its own traffic.

*Southern Pacific Company.*—The Western classification applies to all interstate or interterritorial business on the Pacific system of this company; also between San Francisco and Los Angeles in the State of California. All other local California business is governed by the Southern Pacific local classification.



## APPENDIX 8.

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### CANADIAN RAILWAYS.

The following statement shows the important Canadian railways, their location, connections, mileage, and the rates and the routing of traffic to and from American points.

#### CANADIAN PACIFIC RAILWAY.

The line of the Canadian Pacific Railway begins at the east at Mattawamkeag, Me. At this point connection is made with the Maine Central Railway over which the Canadian Pacific Railway has secured trackage rights to Vanceboro at the New Brunswick boundary, where connection is made with the railway system of the Maritime Provinces of Canada. From Mattawamkeag, Me., the line runs west through Sherbrooke, Farnham, and St. Johns, Canada, to Montreal, a distance of 327 miles. At Sherbrooke connection is made with the Quebec Central for Quebec, the Grand Trunk Railway for Portland, Me., and the Boston and Maine Railroad for Portland, Boston, and New England points and for New York. Another division runs from Quebec to Montreal, 172 miles, and from Montreal to Ottawa, 120 miles. At Quebec connection is made with the Intercolonial Railway, and at Montreal with the Grand Trunk Railway.

What is termed the "Montreal and Toronto Short Line" extends from Montreal through Smith Falls in the Province of Quebec to Toronto, 344 miles. The "Toronto, Detroit and Chicago Line" extends from Toronto to St. Thomas, Canada, 121 miles. At St. Thomas connection is made with the Canada Southern Division of the Michigan Central Railway, by which route Detroit, Toledo, and Chicago are reached. Another line extends from Toronto to Owen Sound on Georgian Bay, 122 miles. At Owen Sound connection is made with the Canadian Pacific Steam-ship Company running between Owen Sound, Sault Ste. Marie, and Port Arthur. From Sudbury, Canada, a branch extends to Sault Ste. Marie, Mich., the distance from Sudbury to Sault Ste. Marie being 183 miles, and from Montreal to Sault Ste. Marie 623 miles. At Sault Ste. Marie connection is made with lines to St. Paul, Minneapolis, and Duluth.

From Winnipeg, Manitoba, the Canadian Pacific Railway has two branches running south to the border line of Minnesota and Dakota, connecting at Gretna and Emerson, Canada, with two branches of the St. Paul, Minneapolis and Manitoba Railway, by which route connection is made for St. Paul, Minneapolis, and points south and east thereof.

What is termed the "Transcontinental Route" extends from Montreal, Prescott, or Brockville through Sudbury, Port Arthur, Winnipeg, to Vancouver B. C.; distance, 2,906 miles.

*Mileage of Canadian Pacific Railway and connections.*

	Miles.
Total mileage operated by Canadian Pacific Railway located in Canada.	4,813
Total mileage operated by Canadian Pacific Railway located in the United States (approximately).....	145
Total mileage operated by Canadian Pacific Railway.....	4,958
Boston and Maine Railroad, Boston to Newport, Vt .....	250
Canadian Pacific Railway, Newport, Vt., to Sault Ste. Marie.....	735
Minneapolis, St. Paul and Sault Ste. Marie Railway, Sault Ste. Marie to St. Paul .....	494
Through line distance, Boston to St. Paul.....	1,479
Boston and Maine Railroad, Boston to Newport, Vt .....	250
Canadian Pacific Railway, Newport, Vt., to Vancouver .....	3,015
Through line distance, Boston to Vancouver.....	3,265
New York, Ontario and Western Railroad, Weehawken to Ogdensburgh, (New York, Ontario and Western, 300; Rome, Watertown and Ogdensburgh, 124).....	424
Canadian Pacific Railway, Prescott to Vancouver.....	2,819
Through line distance, New York to Vancouver.....	3,243
New York, Ontario and Western Railway, Weehawken to Ogdensburgh, N. Y.....	424
Canadian Pacific Railway, Prescott to Sault Ste. Marie.....	539
Minneapolis, St. Paul and Sault Ste. Marie Railway, Sault Ste. Marie to St. Paul .....	494
Through line distance, New York to St. Paul .....	1,457
New York, Ontario and Western Railway, Weehawken to Ogdensburgh, N. Y.....	424
Canadian Pacific Railway, Prescott to Vancouver.....	2,819
Pacific Coast Steamship Company, Vancouver to San Francisco .....	833
Through line distance, New York to San Francisco.....	4,076

The principal route for traffic from New York City and vicinity is by way of the New York, Ontario and Western Railway, and Rome, Watertown and Ogdensburgh Railway, connecting with the Canadian Pacific Railway at Prescott and Brockville, Canada. Business to and from Philadelphia and other points in Pennsylvania is also forwarded via Prescott and Brockville. Another route for traffic from New York City is by way of the Central Vermont line of steamers to New London, Conn., thence over the Central Vermont line to Rouse's Point, N. Y., thence via the Canada Atlantic Railway to St. Polycarpe, Canada, a junction of the Canadian Pacific Railway. Traffic from Boston and other New England points is carried by the Boston and Maine Railroad (Boston and Lowell Division) to Newport, Vt., thence via the Canadian Pacific Railway through Montreal. It is understood that some traffic is carried from Baltimore to Boston via the Merchants and Miners' Steamship Company, for the Canadian Pacific Railway, to be routed from Boston, as other traffic is routed when consigned via the Canadian Pacific Railway.

From the territory indicated the Canadian Pacific Railway may receive traffic through its connection for points in Canada on its own line, and for St. Paul, Minneapolis, Duluth, and other northwestern points via Sault Ste. Marie; also for Winnipeg and Pacific coast points,

including San Francisco. The Canadian Pacific Railway terminates at Vancouver, British Columbia, at which point connection is made with steamship lines for Port Townsend, Seattle, and Portland, Wash., San Francisco, Cal., China, and Japan. By connection with the Michigan Central Railway at St. Thomas, Canada, a route is formed to Toledo, Detroit, and Chicago and other western points; traffic is interchanged between Chicago and Canadian points over this route. It is understood that the interchange traffic via this route is confined to Canadian points, and that the Canadian Pacific does not carry traffic between Chicago and eastern points in the United States. A line is now under construction to the Detroit River, which, when finished, will give the Canadian Pacific connection with roads leading to Chicago, opening a route for the interchange of traffic between Chicago and eastern American cities.

*Rates charged via Canadian Pacific Railway.*—At this time an arrangement exists between the lines from the East, operating via Chicago and the Canadian Pacific Railway, regarding the rates from New York and Boston to St. Paul, Minneapolis, and other northwestern points. Under this arrangement the lines via Chicago from New York and Boston charge the following rates to St. Paul, Minneapolis, etc., viz: Class 1, \$1.15; class 2, \$1; class 3, 80 cents; class 4, 56 cents; class 5, 48 cents; class 6, 40 cents.

The rates to the same points when the traffic is carried via the Canadian Pacific Railway, are: Class 1, \$1.05; class 2, 92 cents; class 3, 74 cents; class 4, 52 cents; class 5, 44 cents; class 6, 37 cents.

The Canadian Pacific Railway is a member of the Transcontinental Association, which association establishes the rates in connection with Eastern lines from Atlantic sea-board points and interior points east of the Missouri River to and from the Pacific coast. Under the present arrangement rates are charged on classified merchandise as shown in the following table:

#### TRANSCONTINENTAL RATES.

STATEMENT SHOWING THE CLASS RATES CHARGED BETWEEN PACIFIC COAST TERMINAL AND INTERMEDIATE POINTS AND POINTS NAMED.

[Rates in cents per hundred pounds.]

Between Pacific coast terminals and intermediate points and—	Classes.									
	1.	2.	3.	4.	5.	A.	B.	C.	D.	E.
Missouri River common points, Sioux City, Iowa, Kansas City, Mo., inclusive; also St. Paul, Minneapolis, Duluth, Minn.; West Superior, Wis., and Galveston, Houston, Tex .....	\$3.50	\$3.00	\$2.50	\$2.00	\$1.75	\$1.75	\$1.55	\$1.25	\$1.10	\$1.00
Mississippi River common points, Dubuque, Iowa, to New Orleans, La. ....	3.70	3.20	2.60	2.05	1.80	1.82	1.63	1.30	1.15	1.05
Chicago, Milwaukee and common points .....	3.90	3.40	2.70	2.10	1.85	1.90	1.70	1.35	1.20	1.10
Cincinnati, Detroit and common points .....	3.95	3.45	2.75	2.15	1.90	1.95	1.75	1.40	1.25	1.15
Pittsburgh, Buffalo, and common points .....	4.00	3.50	2.80	2.20	1.95	1.95	1.75	1.40	1.25	1.15
New York, Boston, Philadelphia, Baltimore and points common with each.	4.20	3.70	2.95	2.30	2.00	2.00	1.80	1.45	1.30	1.20



The rates between San Francisco only and points named below, via the Canadian Pacific Railway, will be the following differentials, in cents per 100 pounds, less than the through rates shown above.

Between San Francisco and—	1.	2.	3.	4.	5.	A.	B.	C.	D.	E.
St. Paul and Minneapolis .....	15	12	10	10	10	8	8	7	5	5
Chicago, Milwaukee, and common points .....	17½	14½	12	10	10	8	8	7	5	5
Cincinnati, Detroit, and common points .....	21	17	14	11	11	9	9	7	5	5
Pittsburgh, Buffalo, and common points .....	22	18	15	12	12	10½	10½	8	7	5
New York, Boston, Philadelphia, Baltimore, and points common with each .....	28	24	17	14	14	12	12	8	8	5

The above are rates for freight carried under the Western classification, which is applied to all freight unless carried at a special commodity rate.

For articles carried under commodity rates differential rates are also allowed the Canadian Pacific Railway.

It will be observed from the foregoing table that when traffic to or from San Francisco to or from the various grouped points given is routed via the Canadian Pacific Railway a less charge is made than when forwarded via the all-rail all-American transcontinental routes. The charges via the Canadian Pacific are at stated differentials less than via the other lines. This, however, applies only to San Francisco traffic. It will also be noticed that the differential is allowed the Canadian Pacific on business to or from St. Paul and Minneapolis and not on business to or from the Missouri River common points or Mississippi River points. It is understood that under certain arrangements, by which the Canadian Pacific Railway became a member of the Transcontinental Association, they would not compete for traffic to or from the Missouri River points, such as Kansas City, Mo., Sioux City, Iowa, etc., or to or from the Mississippi River common points, Dubuque, Iowa, to New Orleans, La., inclusive, except at the same rates charged by the all American lines. As stated, the differentials allowed the Canadian Pacific Railway apply on business to or from San Francisco only. From other Pacific coast points which are covered by the rates of the Transcontinental Association, the Canadian Pacific Railway for such traffic as it may secure charges the same rates as do the other transcontinental routes. For example, the Canadian Pacific charge to or from Tacoma or Seattle, Washington, the same rates as do the other transcontinental lines from San Francisco and from Los Angeles, Cal.

It is understood that the usual route for traffic over the Canadian Pacific Railway between the Pacific coast points and American points, such as St. Paul, Minneapolis, Chicago, Milwaukee and common points, Cincinnati, etc., and common points, is via Winnipeg, Manitoba, and from that point passing over the St. Paul, Minneapolis and Manitoba Railway to St. Paul and thence to Chicago via any of the various routes from St. Paul, connecting with the eastern lines at Chicago. Traffic to or from the eastern grouped points could be carried either via Winnipeg and Chicago, or via the eastern connections of the Canadian Pacific Railway at Brockville, Prescott, St. Polycarpe, Canada, or Newport, Vt.

## CANADA SOUTHERN DIVISION, MICHIGAN CENTRAL RAILROAD.

A part of the line of the Michigan Central Railroad is located in Canada and extends from the Niagara frontier to Detroit. Connections are made at Buffalo and Suspension Bridge, N. Y., with eastern roads, and at Windsor, Canada, and Detroit, Mich., with the Michigan Central Railroad proper, and with other roads. The Michigan Central Railroad competes with other through lines for traffic passing between the Atlantic sea-board and western points, and such through traffic as it may receive passes over the Canada Southern Division. The mileage of the Canada Southern Division is about 385 miles. The portion of this line between St. Thomas and Detroit forms part of the route for traffic between Chicago and eastern Canadian points on the Canadian Pacific Railway.

## GRAND TRUNK RAILWAY AND CONNECTIONS.

The line of the Grand Trunk Railway of Canada extends from Portland, Me., through Montreal and Toronto to Point Edward, Canada. The line in the East also extends to Quebec. There are also lines from Buffalo and Suspension Bridge to Point Edward and Windsor, Canada. At Point Edward connection is made with the Chicago and Grand Trunk Railway for Chicago and at Detroit (Windsor, Canada,) with the Wabash Railway for Chicago. At Detroit connection is also made with the Detroit, Grand Haven and Milwaukee Railway running to Grand Haven on Lake Michigan, where connection is made for Milwaukee by steamer.

From Boston and New England points traffic reaches the Grand Trunk Railway over American roads, and from New York and vicinity traffic is forwarded to the Grand Trunk Railway at the Niagara frontier by the various trunk lines.

Various fast freight lines operate over the Grand Trunk Railway and in connection with Eastern and Western American lines form through routes for traffic from the sea-board to western points. From Portland, Me., the Grand Trunk Railway has its own line practically to Chicago and Milwaukee. From Boston and New York the fast freight lines operating over the Eastern roads deliver traffic to the Grand Trunk Railway at Montreal, Canada, Buffalo, and Suspension Bridge. By the various through routes thus established the Grand Trunk Railway can compete for nearly the same traffic in the East as do the all-American lines. The principal points to which traffic is carried from eastern cities via the Grand Trunk route are Detroit, Chicago, Milwaukee, and points in the North and West through those cities. Traffic coming east is delivered to the Grand Trunk Railway by its connection, the Chicago and Grand Trunk Railway, which receives traffic for the East at Chicago from the West and North through its connections. The dressed-beef traffic of the Chicago and Grand Trunk is a very important item from Chicago, the Chicago and Grand Trunk carrying considerably the larger portion thereof.

The various fast freight line organizations operating over the Grand Trunk Railway are as follows:

## NATIONAL DISPATCH FAST FREIGHT LINE.

The National Dispatch Line operates from Boston over the Fitchburgh, Central Vermont, Grand Trunk, and Chicago and Grand Trunk Rail-

ways. Traffic from Boston to Chicago is routed via these railways; traffic from Boston to Milwaukee is carried over the Detroit, Grand Haven and Milwaukee road from Detroit, and thence transferred by steamer at Grand Haven, Mich., across the lake. The National Dispatch may secure traffic from Boston and New England points and forward the same over the route mentioned when destined for Chicago and Milwaukee. Traffic for other western points is forwarded over the route indicated to Chicago or Detroit, at which points it is delivered to other roads according to its destination.

#### COMMERCIAL EXPRESS FAST FREIGHT LINE.

The Commercial Express Fast Freight Line operates from Boston over the Fitchburgh Railroad, Delaware and Hudson Canal Company's Railroad, New York, Lake Erie and Western Railway, Grand Trunk Railway, and Chicago and Grand Trunk Railway. Traffic for Chicago is taken by this route. Business for Milwaukee passes over the same lines to Detroit and is there delivered to the Flint and Pere Marquette Railroad and by it carried to Ludington, Mich., and there transferred to steamers on the lake.

The Commercial Express Fast Freight Line also operates from New York, the route being over the New York, Lake Erie and Western Railway to the Niagara frontier, and thence via Grand Trunk and Chicago and Grand Trunk Railways. This line also operates from Philadelphia and Baltimore, the Grand Trunk receiving the traffic from the Eastern lines at the Niagara frontier.

By this fast freight line traffic may be forwarded from eastern points to Chicago and Milwaukee over the Grand Trunk Railway; also to western points beyond Detroit and Chicago.

#### GREAT EASTERN FAST FREIGHT LINE.

Another fast freight line, known as "The Great Eastern Line," operates from New York over the Delaware, Lackawanna and Western Railway, delivering its business to the Grand Trunk at the Niagara frontier, which in turn delivers it to the Chicago and Grand Trunk for Chicago and western points either across the lake or through Chicago. The Great Eastern Line also operates from Boston, the route being over the Fitchburgh Railroad, the Central Vermont Railroad, the Grand Trunk Railway, and Chicago and Grand Trunk Railway. This line also operates from Philadelphia via the Philadelphia and Reading Railroad and Delaware, Lackawanna and Western Railway to the Niagara frontier, thence via the Grand Trunk and its connection to Chicago. By this line traffic may be forwarded from the East over the Grand Trunk Railway to Detroit, Chicago, Milwaukee, and other western points.

#### HOOSAC TUNNEL FAST FREIGHT LINE.

This line operates from New York over the West Shore Railroad delivering its traffic at the Niagara frontier to the Grand Trunk for Detroit and points west and northwest. This line also operates from Boston over the Fitchburgh Railroad, Delaware and Hudson Canal Company, the West Shore to the Niagara frontier, and thence via the Grand Trunk Railway.

By this line as well as the other fast freight lines mentioned traffic may be forwarded from the east over the Grand Trunk Railway to points in the west.



The foregoing indicates the general routes of the Grand Trunk Railway for traffic between eastern and western points. During the season of navigation there are other routes as follows:

Traffic from New York is carried via water to New London, Conn., thence via the Central Vermont line to Ogdensburgh, N. Y., thence via lake to Toronto, Canada, by rail from Toronto to Collingwood, Canada, on Georgian Bay, and again by the lakes to Chicago or Milwaukee.

Traffic from Boston and New England is carried by all-rail to Ogdensburgh, N. Y., and from that point is routed by the lakes via Toronto and Collingwood. By another route traffic is given to the lake lines at Sarnia, Canada, and from Sarnia forwarded via the lakes to Chicago, Milwaukee, and western points.

Traffic originating at Milwaukee, Chicago or Detroit, or received at those points from western lines may be routed to eastern points by the routes indicated for the various freight lines mentioned.

*Mileage of the Grand Trunk Railway.*

	Miles.
Total mileage operated by Grand Trunk Railway located in Canada .....	3,127
Total mileage operated by Grand Trunk Railway located in the United States. ....	360
Total mileage operated by Grand Trunk Railway .....	3,487
Grand Trunk Railway, Portland, Me., to Port Huron, Mich. ....	801
Chicago and Grand Trunk Railway, Port Huron to Chicago .....	335
Through line distance, Portland, Me., to Chicago .....	1,136
Fitchburg and Central Vermont Railways, Boston to Montreal .....	337
Grand Trunk Railway, Montreal to Port Huron, Mich. ....	504
Chicago and Grand Trunk Railway, Port Huron to Chicago .....	335
Through line distance, Boston to Chicago .....	1,176
Fitchburg Railroad, Boston to Rotterdam Junction, N. Y. ....	212
West Shore Railroad, Rotterdam Junction to Buffalo .....	268
New York, Chicago and St. Louis Railway, Buffalo to Chicago .....	523
Shortest distance by all-American lines .....	1,003
Grand Trunk Railway, Montreal to Port Huron, Mich. ....	504
Chicago and Grand Trunk Railway, Port Huron to Chicago .....	335
Through line distance, Montreal to Chicago .....	839
Fitchburgh Railroad, Boston to Rotterdam Junction, N. Y. ....	212
West Shore Railroad, Rotterdam Junction to Buffalo .....	268
Grand Trunk Railway, Buffalo to Port Huron, Mich. ....	198
Chicago and Grand Trunk Railway, Port Huron to Chicago .....	335
Through line distance, Boston to Chicago via Buffalo .....	1,013
Distance by the shortest all-American lines .....	1,003
Grand Trunk Railway, Buffalo to Port Huron, Mich. ....	198
Chicago and Grand Trunk Railway, Port Huron to Chicago .....	335
Through line distance, Buffalo to Chicago .....	533
Distance by the shortest American line .....	523
New York, Lake Erie and Western Railway, New York to Buffalo .....	423
Grand Trunk Railway, Buffalo to Port Huron, Mich. ....	198
Chicago and Grand Trunk Railway, Port Huron to Chicago .....	335
Through line distance, New York to Chicago via Buffalo .....	956
Distance by shortest all-American line .....	912

## CANADA ATLANTIC RAILWAY.

This road extends from Ottawa to Lacolle Junction, Canada, a distance of 128 miles. At Lacolle Junction connection is made with the Grand Trunk Railway for Rouse's Point, N. Y., and with the Delaware and Hudson Canal Company, and the Central Vermont Railway. At Coteau, Canada, connection is made with the Grand Trunk for Montreal. At Coteau Landing the St. Lawrence River is crossed. At St. Polycarpe Junction, Canada, connection is made with the Canadian Pacific Railway; also at Ottawa. This road forms part of a through route in connection with the Canadian Pacific and Eastern railways for business to and from Boston and New England points and New York.

## INTERCOLONIAL RAILWAY.

The main line of this company extends from Halifax, Nova Scotia, to Point Levis, Canada, opposite Quebec, a distance of 678 miles. At Point Levis connection is made with the Grand Trunk Railway and the Quebec Central Railroad, each of which connect with American roads through Sherbrooke, Canada. At Quebec connection is also made with the Canadian Pacific Railway. The total mileage of the Intercolonial Railway is 905 miles, all located in Canada.

## QUEBEC CENTRAL RAILROAD.

This road extends from Sherbrooke, Quebec, to Point Levis, opposite Quebec, a distance of 143 miles. At Sherbrooke, connection is made with the Boston and Maine Railroad (Boston and Lowell system) via Wells River and White River Junction, Vermont, for Boston, and via Bellows Falls, Vt., and Springfield, Mass., for New York. Connection is also made at Sherbrooke with the Grand Trunk Railway for Portland, Me., 196 miles, and for Montreal, 101 miles; also with the Canadian Pacific Railway. At Harlaka Junction, Canada, near Quebec, connection is made with the Intercolonial Railway for New Brunswick and Nova Scotia; at Quebec with the Canadian Pacific Railway and steamers for Saguenay River. The total mileage of this company is 161 miles, all located in Canada.

## CENTRAL ONTARIO RAILWAY.

This road extends from Coe Hill to Picton, Canada, 104 miles, all in Canada. Picton is situated on Lake Ontario. At Trenton, 30 miles from Picton, connection is made with the Grand Trunk Railway. At Midland Railway Junction, 45 miles from Picton, connection is made with the Midland Division of the Grand Trunk Railway. At Canadian Pacific Railway Junction, 55 miles from Picton, connection is made with the Canadian Pacific Railway.

## CENTRAL VERMONT RAILROAD.

A portion of this road is located in Canada. The northern division extends from St. Albans, Vt., to St. Johns, Quebec, crossing the line at Province Line, 20 miles north of St. Albans. Another division extends from St. Johns to Waterloo, all in Quebec, distance 43 miles. Connection is made at Richford, Vt., and Waterloo, Quebec, with the Canadian Pacific Railway. The total mileage of this company is 485 miles, 66 of which are located in Canada.

## NORTHERN PACIFIC RAILROAD.

A portion of the Northern Pacific Railroad, known as the "Duluth and Manitoba Railroad," extends from Winnipeg Junction, Minnesota, to Winnipeg, Manitoba, 268 miles. The portion of this line from Pembina to Winnipeg is all in Manitoba, 67 miles, and is known as the "Northern Pacific and Manitoba Railway." At Winnipeg connection is made with the Canadian Pacific Railway. Traffic via this route can be carried to and from Winnipeg and St. Paul, Minneapolis and Duluth.

## NEW BRUNSWICK RAILWAY.

This road is located in New Brunswick and Maine. At Vanceboro, near the boundary line of Maine and New Brunswick, connection is made with the Maine Central Railroad, which in turn connects with the Canadian Pacific Railway, and which also reaches Boston and New England points. The total mileage of this company is 445 miles, 33 of which are located in the United States.

There are a number of other roads located in Canada, with small mileage, most of them having indirect connections with American roads.

The roads mentioned herein have a total mileage in Canada of about 10,000 miles. The total mileage of roads operated in Canada on December 31, 1888 (Poor's Manual for 1889), is reported as 12,163 miles.



## APPENDIX 9.

LIST OF STATE RAILROADS CLAIMING NOT TO BE SUBJECT TO ACT TO REGULATE COMMERCE AND THAT THEY NEED NOT MAKE ANNUAL REPORTS TO COMMISSION.

Name of road.	Mileage operated.	State or Territory.	Terminals.
Annapolis and Baltimore Short Line ..	28. 00	Maryland .....	Annapolis to Baltimore.
Anniston and Atlanta R. R. ....	52. 36	Alabama .....	Anniston to Sylacauga.
Arkansas and Louisiana R. R. ....	26. 00	Arkansas .....	Hope to Nashville.
Atlanta and Florida R. R. ....	104. 00	Georgia .....	Atlanta to Fort Valley.
Atlantic and Danville R. R. ....	158. 50	Virginia .....	Norfolk to Lawrenceville.
Bell's Gap R. R. ....	25. 30	Pennsylvania...	Bellwood to Irvona.
Belleville and Carondelet R. R. ....	17. 30	...do .....	Belleville to East Carondelet.
Belleville and Eldorado R. R. ....	53. 50	Illinois .....	DuQuin to Eldorado.
Belt R. R. and Stock Yard Co. ....	21. 70	Indiana .....	Around the City of Indianapolis.
Bradford, Bordell and Kinzua R. R. ...	62. 32	Pennsylvania...	Bradford to Simpson.
Bright Hope R. R. ....	32. 75	Virginia .....	Eppes Falls to Bermuda.
Brooklyn and Brighton Beach R. R. ...	7. 50	New York.....	Brooklyn to Brighton Beach.
Buffalo Creek R. R. ....	5. 82	...do .....	Buffalo to Light-House (Harbor).
California Short Line R. R. ....	8. 00	Utah .....	Draper to Chester.
Carthage and Adirondacks Rwy *.....			
Central Ohio R. R. ....	206. 29	Ohio .....	Bellaire to Columbus.
Central Union Depot and Rwy of Cincinnati.	1. 44	...do .....	In the city of Cincinnati.
Chattanooga and Lookout Mountain R. R.	14. 00	Tennessee .....	Chattanooga to Top of Lookout Mountain.
Chester Valley R. R.* (merged in Philadelphia and Chester Valley).			
Chicago, Fairchild and Eau Claire River R. R.	4. 16	Wisconsin .....	Fairchild to Eau Claire River.
Chicago and State Line R. R.*.....			
Cincinnati and Southeastern R. R. ....	17. 00	Kentucky ...	Johnson to Hillsborough.
Clearfield and Jefferson R. R. ....	37. 47	Pennsylvania..	Irvona to Horatio.
Clove Branch R. R. ....	4. 25	New York.....	Clove Branch to Sylvan Lake Junction.
Colorado Eastern Rwy. ....	17. 50	Colorado.....	Denver to Scranton.
Columbus and Cincinnati Midland R. R.	69. 89	Ohio .....	Columbus to Midland City.
Columbus, Springfield and Cincinnati R. R.	44 37	...do .....	Columbus to Springfield.
Delaware and Bound Brook R. R. ....	27. 00	New Jersey ...	Bound Brook to Delaware River Junction.
Detroit, Bay City and Alpena R. R. ...	197. 40	Michigan .....	Alger to Alpena.
East Broad Top R. R. and Coal Co. ....	30. 00	Pennsylvania ..	Mount Union to Robertsedale.
East Louisiana R. R. ....	60. 00	Louisiana .....	New Orleans to Covington.

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## LIST OF STATE RAILROADS CLAIMING NOT TO BE SUBJECT TO ACT TO REGULATE COMMERCE—Continued.

Name of road.	Mileage operated.	State or Territory.	Terminals.
East Trenton R. R.† .....	2.56	New Jersey ....	Millham to Terminus.
Entawville R. R. ....	34.75	South Carolina..	Pregnalls to Elloree.
Freehold and New York R. R. ....	14.00	New Jersey ....	Freehold to Mateawan.
Garnerville R. R. ....	.91	New York.....	New Jersey and New York R. R. to factories at Garnerville.
Hancock and Calumet R. R.† .....	20.91	Michigan .....	Hancock to Allouez.
Kaaterskill R. R. ....	7.00	New York.....	Kaaterskill to Kaaterskill Station.
Kentucky Union Rwy. ....	.37	Kentucky .....	Winchester to Graming Block.
Knoxville and Augusta R. R. ....	16.82	Tennessee .....	Knoxville to Maryville.
Knoxville and New River R. R. ....	13.00	...do .....	Robbins to Haworth.
Litchfield, Carrollton and Western....	51.65	Illinois .....	Columbia to Bennett.
Manistique Rwy. ....	24.00	...do .....	Seney to Camp 9.
Mineral Range R. R.† .....	2.17	Michigan .....	Houghton to Red Jacket.
Mount Washington R. R. ....	3.33	New Hampshire	Base to summit of Mount Washington.
New Orleans and Carrollton R. R. ....	7.50	Louisiana.....	Horse car line only.
Newport and Wickford R. R. ....	3.40	Rhode Island...	Wickford Junction to Newport.
New York and North Pennsylvania R. R. ....	5.00	Pennsylvania...	Gaines to Galeton.
New York and Sea Beach R. R. ....	8.07	New York.....	Bay Ridge to Coney Island.
Oregon Pacific Rwy. ....	176.00	Oregon .....	Yaquina City to Breitenbush.
Pensacola and Andalusia R. R. ....	15.00	Florida .....	Molino to Centennial.
People's Rwy. ....	4.58	Pennsylvania...	Pottsville to Minersville.
Peoria Terminal Rwy. ....	7.50	Illinois .....	Peoria to Monmouth Junction.
Pittsburgh, Chartiers and Youghiogheny.	19.40	Pennsylvania...	Chartiers to Junction No. 1 with Chartiers R. R.
Portland and Willamette Valley R. R. ....	30.00	Oregon ... ..	Portland to Dundee Junction.
Providence, Warren and Bristol R. R. ....	14.85	Rhode Island...	East Providence to Bristol.
Quincy R. R. Bridge Co. ....	.....	.....	.....
Rochester and Lake Ontario R. R.* ....	6.00	New York.....	Rochester to Lake Ontario.
St. Louis, Alton and Springfield R. R. ....	84.80	Illinois .....	Bates to Grafton.
St. Louis, Cable and Western R. R. ....	22.20	Missouri.....	End of cable division into St. Louis County.
San Francisco and Northern Pacific R. R. ....	166.00	California.....	Point Tiburn to Ukiah.
South Manchester R. R. * .....	2.25	Connecticut ....	South Manchester to North Manchester.
State Line and Sullivan R. R. ....	29.60	Pennsylvania...	Towanda to Benice.
Tavares, Orlando and Atlantic Rwy. ....	32.00	Florida .....	Tavares to Orlando.
Tennessee Central R. R. ....	12.00	Tennessee .....	Spring City to Jewett.
Union Freight R. R.* .....	.....	Massachusetts..	Track through streets of Boston.
Virginia and Truckee R. R.* .....	.....	Nevada.....	.....
Visalia R. R. ....	7.33	California.....	Visalia to Goshen.
Warren and Farnsworth R. R. ....	15.26	Pennsylvania...	Clarendon to Vandergrift.
York and Peach Bottom R. R. ....	40.00	...do .....	York to Peach Bottom.
Youghiogheny Northern R. R. ....	2.50	...do .....	Broad Ford to Summit.
Zealand Valley R. R. ....	8.25	New Hampshire.	Zealand to Zealand Notch.

NOTE.—The roads checked with a star (\*) filed reports for the year ending June 30, 1889. The roads checked with a cross (†) have just advised, December 6, that they would file reports. The above list is corrected to December 1, 1889.

## APPENDIX 10.

### FEDERAL REGULATION OF SAFETY APPLIANCES.

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SUMMARY OF ACCIDENTS TO PERSONS, COMPILED FROM THE ANNUAL REPORTS OF RAILROADS TO THE COMMISSION, FOR THE YEAR ENDING JUNE 30, 1888.

These reports cover 139,101.83 miles of road, or 92.79 per cent. of the total mileage of the country.

Persons.	Killed.	Injured.	Total.
Passengers.....	315	2, 138	2, 453
Employés.....	2, 070	20, 148	22, 218
Other persons.....	2, 897	3, 602	6, 499
Total.....	5, 282	25, 888	31, 170

  

Kind of accident.	Killed.	Injured.	Total.
Collisions.....	246	1, 192	1, 438
Derailments.....	292	1, 550	1, 842
Coupling cars.....	326	6, 827	7, 153
Grade crossings.....	340	510	850
Other causes.....	3, 818	14, 722	18, 540
Total.....	5, 022	24, 801	29, 823

\* The returns showing "kind of accidents" are often imperfect and sometimes altogether lacking.

#### HAZARD TO PASSENGERS.

The total number of passengers carried during the year by the roads reporting was 401,697,433; the average distance carried was 25.98 miles; total passenger mileage, 401,697,433, multiplied by 25.98, or 10,436,099,309 miles; the number of passengers killed, 315; number injured, 2,138.

Thus for every passenger killed 1,275,229 were carried, and 163,757 passengers were carried for one killed or injured. The length of the average journey resulting in death was 33,130,474 miles, a journey which would occupy 94 years 200 days and 22 hours of continuous travel at 40 miles an hour. For each man killed or injured 4,254,423 miles were traveled, which at the same rate would occupy 12 years 51 days and 17 hours.

#### CIRCULAR OF THE COMMISSION REGARDING FEDERAL REGULATION OF SAFETY APPLIANCES.

INTERSTATE COMMERCE COMMISSION,  
Washington, May 17, 1889.

DEAR SIR: The large number of accidents to employés and passengers occurring on the railroads of this country and the public belief that a great part of these might be avoided by the use of proper appliances have led many States to make the mechanical features of railroad working the subject of statutory regulation. It is well known, however, that in respect to some at least of these features, the conditions are such that regulation if attempted can neither secure adequate bene-

fit to the public nor be just to the railroads themselves unless it be uniform over the whole country.

In view of this fact and of the request of the railroad commissioners of the country, as embodied in a resolution adopted at their recent convention, the Interstate Commerce Commission desires to call out as full information and discussion as possible upon the question of Federal regulation of safety appliances on railroads. The following matters seem to be of especial importance, but it is not intended to restrict the discussion to them :

(1) The history in each State of safety appliance legislation. How far such legislation has been enforced. What have been the means used to enforce it. What obstacles have been met with. What the general effect has been.

(2) What is the present condition regarding automatic couplers. What prospect there is of a uniform and safe coupler coming into use. What progress the standard coupler, adopted by the Master Car Builders' Association, is making, and what is the attitude of railroads towards it.

(3) What progress there is in the use of train brakes on freight cars. Whether such progress is satisfactory, viewed as a means of greater safety to train-men. To what extent freight trains are run without the necessity of brakemen traversing the tops of cars.

(4) What is being done to introduce safer methods of heating and lighting passenger cars.

(5) What is the state of affairs respecting other safety devices.

(6) Whether legislation looking to Federal regulation of these matters or any of them is desirable, and what the reasons are for and against such regulation.

(7) What such Federal legislation, if any be desirable, should attempt to accomplish in regard to couplers; in regard to train brakes; in regard to car heating and lighting; in regard to other matters. What its provisions should be upon each of these points.

(8) If Federal legislation be expedient, what special administrative agencies, if any, should be provided to carry it out. Whether Federal inspection should be attempted, and to what extent and how. Whether a board should be created after the analogy of the Steam-boat Inspection Service. If so, how such a board should be constituted in regard to the number and character of its members; what its powers and duties should be; what its connection with other branches of administration.

The Commission believe that justice to railroad employés and to all others concerned requires that this matter receive thorough consideration, and trust that you will be able to give it immediate and careful attention.

Very respectfully,

EDW. A. MOSELEY,  
*Secretary.*

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FROM THE BOARD OF RAILROAD COMMISSIONERS OF CONNECTICUT.

[By George M. Woodruff, W. H. Hayward, and W. O. Symond, commissioners.]

In reply to the circular of your secretary, issued May 17, 1889, in regard to safety-appliance legislation, we would say that legislation of that general character dates back many years, but the first act of the precise character called for by your circular was, perhaps, that of 1882, in regard to safety couplers, which required that every railroad com-

pany operating any railroad located partially or wholly in this State should cause every freight car thereafter built, or purchased, for use on such railroad, to be provided with couplers so arranged as to render the presence of any person between the ends of the cars unnecessary for the coupling of the same; and also providing that no coupler should be placed on such cars, or any new couplers substituted, until approved by us. We are also authorized to designate the height at which the coupler should be hung. The statute also provided that any company violating the provisions of the law should incur the penalty of \$50 for each violation. We believe that this law has been generally complied with, but it went into effect before the adoption of the standard coupler by the Master Car Builders' Association, and there were several couplers approved by us as coming within the provisions of the law. No complaints for the violation of this law have ever been made to us, and hence there has been no occasion to apply the penalty. No opposition was made to the law by any of the railroad companies, but we can not see that it has resulted in any less injuries to employés. In fact, the number of foreign freight cars, unprovided with automatic couplers, coming into our State being so greatly in excess of those owned by our companies, and equipped with some such appliance, we are inclined to think that coupling accidents have increased, rather than diminished, during this transition period. In answer, therefore, to the second inquiry of your circular, we must say that the present condition regarding automatic couplers is unsettled and unsatisfactory, and that there is very little prospect of a uniform coupler coming into use, either by State requirement or voluntary action of the companies.

So far as we know, the standard coupler adopted by the Master Car Builders' Association is making no progress here, the attitude of the railroads being simply that of inaction.

In regard to your third inquiry, we have to report that, with the exception of a very few freight cars for special perishable freights, no use is made of train brakes.

In regard to heating and lighting passenger cars, the railroad commissioners were empowered, in 1837, to make such orders as seemed to them to be required by public safety and prudence relative to heating and lighting passenger cars. Under that law companies were forbidden to use illuminating oil below 300 degrees fire test, and this order, so far as we know, is universally complied with. We also made an order that all new passenger cars be equipped for continuous heating, which order has been only partially complied with. Further action is to be taken by this board at an early date, but the details are not yet decided upon.

Federal legislation should in our opinion be adopted, enforcing the use of automatic couplers and train brakes on all freight cars used in interstate traffic, and the administration of the law should be under the direction of the Interstate Commerce Commission. The railroad commissioners of the various States, under the direction of the Interstate Commission, should superintend and inspect the adoption and workings of such a law in their respective jurisdictions and report results to the Interstate Commission.

In regard to the lighting of passenger cars, we apprehend no more danger under our present law, referred to above, than would be liable to result from an engine used to generate electricity.

As to continuous steam-heating of passenger cars from the locomotive, we are of the opinion that no system has yet been sufficiently perfected to warrant its general forced adoption by law. We know that



sanguine inventors, interested in the adoption of their own inventions and theorists without practical experience, think the time has already come for such action. It is a significant fact, however, that a majority of the *disinterested* mechanical departments of our most important roads, concerned solely in the practical application of such a system to the various requirements of a promiscuous passenger service, extending through all varieties of climate and requiring frequent interchange of cars, who are to be held responsible for the safe and successful working of any system adopted by them, are of the opinion that the time has not yet come for the enforcing by law of the adoption of any particular system. The Master Car Builders' Association at their last meeting expressed a similar opinion. More experimenting is needed to overcome serious objections involving possible danger, discomfort, and inconvenience. We are confident that some satisfactory system will soon be devised which can be prudently and safely adopted, and investigation in this direction should be stimulated and encouraged. We are of the opinion that the use of the common car stove in cars attached to passenger trains should be prohibited absolutely, but so long as the ordinary cooking ranges are allowed in the dining cars attached to the crowded and popular express trains, those trains are in danger from fire though heated by steam and lighted by electricity, and represented to be exempt from any such danger.

The first prerequisite for the general introduction of continuous steam-heating is, of course, the adoption of a uniform steam-coupler to render the interchange of cars practicable.

FROM THE RAILROAD COMMISSIONERS OF KANSAS.

[By Charles S. Elliott, secretary.]

Referring to your letter of August 10 instant, covering circular of May 17, 1889, in the matter of State and Federal legislation for the protection of employes and passengers on the railways of the country, as set forth by resolution of the recent convention of State railroad commissioners, and formulated in the interrogatories contained in your circular, to which this is a response, I am directed by the board to make the following answers:

(1) There has been no safety appliance legislation in this State, for the apparent reason that abuses have not been recognized in the management of moving trains or in their appliances for the safety of employes and passengers which called for State interference or statutory remedies.

(2) The present condition of automatic couplers is that of experimentation purely. Railway managers manifest a desire to test any and every new device for the protection of employes from needless danger and themselves from the cost and loss incident to accidents. In this connection the "standard coupler," to which you refer, holds the same relation as the other devices being tried, except that this one has received the approval of the Master Car Builders' Association. It is not accepted as a maximum result of genius and mechanical skill directed to this subject that it is wise or safe to settle down to a conclusion that it is the best thing that can be made, and to adopt it in universal practice at an enormous cost, when it may soon be improved upon and have to be abandoned, is not the judgment of managers nor trusted experts.

(3) The progress in the introduction and use of train-brakes on freight-cars is both rapid and satisfactory both as to mechanical efficiency and the safety of train-men. Nearly all through our rapid-moving freight-

trains are now provided with the Westinghouse air-brake, and to this extent reduce the necessity of traversing the tops of cars by train-men to the minimum. Not only are the air-brakes being applied, but means of instruction in their use is made general and obligatory upon employés. An experimental car fitted up with all the varied machines and devices of the air-brake, its application and use has been provided and kept on the larger lines for months at a time as a training-school of employés, to the end that all train-men may become familiar with them before being trusted with their use in regular train service.

(4) One of our railroads having the greatest mileage is substituting steam from the locomotive for fuel heating on cars as rapidly as they can be applied, viz, the Atchison, Topeka and Santa Fé. It is known as the "G. A. Houston system," which has been devised and perfected by Mr. G. A. Houston, in the employ of the company.

No company has as yet abandoned the use of oil for lighting cars, but two of them in interstate ownership, the Santa Fé and Rock Island, have substituted incandescent electric lights for oil-lamps on passenger-trains between the Missouri River and Chicago with reported satisfactory results.

(5) Respecting other safety devices, it is the opinion of the board that they are receiving as much consideration and liberality in experimentation as obligation of the companies to their employés and the public rightfully demand from them in the present depressed condition of their relative earnings and fixed charges.

(6) The board is clearly of the opinion that no Federal legislation is required or desirable in this respect, and for reasons set forth hereinbefore. The safety of employés and passengers is coincident with the interests of the companies, and can not be ignored in their management without a disregard of business methods and ultimate profits. It will be readily recognized that the adoption of new devices which promise added protection to employés and passengers is a sharp bid for popular favor and public patronage, which will in this era of intensified competition be a better guaranty of discovery and application of the best means and methods of safety than could be by a Federal legal surveillance, which would in effect check competitive impulse and shift responsibility for neglect from the railway companies to Government officials.

#### FROM THE RAILROAD COMMISSIONERS OF MAINE.

[By D. N. Mortland, chairman.]

In response to your circular under date of May 17, 1889, requesting information and the views of this board relative to the question of Federal regulation of safety appliances on railroads, we reply as follows:

(1) As the freight traffic is in this State, as in other States, principally interstate traffic, very few attempts have been made by our legislature to legislate relative to safety appliances on railroad trains. Neither has this board urged legislation in that respect, believing, as we do, that all attempts on the part of individual States to legislate as to character or kind of safety appliances, especially on freight trains, must, by reason of conflicting laws, result in hinderance and loss to railroad corporations and failure to accomplish the object desired.

(2) Automatic car-couplers have not yet been applied to any freight-cars of any railroad in this State, except by way of trial or experiment on two or more cars, at different times, at the requests of agents or owners of such couplings, the link and pin being yet in general use upon all freight-cars owned by railroad companies in this State.

The action of the Master Car Builders' Association in adopting not a coupler, but a type of coupler, we believe has tended more to hinder than to promote the general adoption and use of automatic couplers during the past two years.

At the time of the adoption by the Master Car Builders' Association of the "Janney type," so called, no coupler of that type had been invented, except such as appears by reliable reports as when subjected to practical or physical tests would entirely fail to meet the requirements of the freight service. For this reason, as stated by practical railroad men, the attitude of railroad managers in this State and elsewhere has been adverse to its adoption.

For the above-stated reason this board, while recognizing the fact that some practical and immediate action should be taken to prevent the seemingly unnecessary mutilation and loss of life of men engaged in coupling and uncoupling freight-cars, refused a year ago to join the Massachusetts board of railroad commissioners and others in a communication to Congress on that subject, which to a certain degree indorsed the action of the Master Car Builders' Association above mentioned. But as many improvements have since been made by inventors upon the type of couplers selected, we are now led to believe the same may be more generally adopted.

(3) To successfully apply train-brakes on freight trains it would seem to require uniformity in couplers. No effort has as yet been made in this State, and so far as we are aware no progress has been made in that direction.

Next to the number injured from coupling and uncoupling freight cars is the number injured in handling brakes, while to this class the number of fatal accidents is even greater than the former, the most of which occur from traversing the tops of cars.

(4) During the last session of the legislature of this State a statute was enacted providing that "no passenger, mail, or baggage car on any railroad in this State shall be heated by any method of heating or by any furnace or heater, unless such method or the use of such furnace or heater shall first have been approved in writing by the board of railroad commissioners." And further providing "That in no event shall a common stove be allowed in any such car."

Before the enactment of the above-quoted statute some of the wealthier railroad corporations had adopted a system of heating by steam from the locomotive, and much has since been done both by these and other railroad companies to apply and perfect said system.

During the coming winter, we trust, the greater portion of passenger trains will be heated by this method. Uniformity in method of heating is, like coupling, desirable, and all efforts on the part of individual States to secure it must, for like reasons, in a large degree prove abortive.

(5) While we have doubted the wisdom and policy of Federal legislation tending to regulate and control the freight traffic of the country, we do believe that if there was sufficient reason to demand it, a far greater reason demands that Federal legislation be invoked for the protection of the lives and limbs of passengers and employes on railroads. As we have stated, individual State legislation upon all these important subjects has failed, and must, by reason of conflict of statute enactments in the several States, fail to accomplish the objects above mentioned.

(6) If Federal legislation is deemed necessary to regulate these matters, logically Federal supervision and inspection would follow. As to what the nature and extent of such inspection should be, we have now no opinion to express.



## FROM THE RAILROAD COMMISSIONERS OF MASSACHUSETTS.

[By George G. Crocker, chairman.]

\* \* \* \* \*

In March, 1888, this board sent to each of the Senators and Representatives from this State a letter of which the following is a copy :

*To the honorable Senators and Representatives of the State of Massachusetts in Congress assembled :*

GENTLEMEN: In the United States thousands of men every year are killed or injured in coupling or uncoupling freight cars. During the past year the casualties from this cause in our State alone were one hundred and twenty-two, of which eleven resulted in death. This loss of life and limb can be prevented by the use of automatic couplers, but, as the freight traffic is principally interstate traffic, attempts on the part of individual States to secure uniformity within their respective jurisdictions would probably result in conflict and failure. While the desired end may be accomplished in time without Congressional action, delay means further unnecessary mutilation and loss of life. This subject is believed to be within the proper province of Congress, which alone can deal with it effectually and with that promptness which its importance demands. The action of the Master Car Builders Association last year, in selecting a type of coupler as the standard for that association, has largely eliminated a serious difficulty, and has opened the way for Congressional action.

Two other subjects of a similar nature demand your consideration.

The total number of brakemen injured in handling the brakes on freight cars is somewhat smaller than the number of those injured in coupling and uncoupling, but the number of fatal accidents is much greater. Most of these accidents can be averted by the use of train brakes, which have lately been perfected so that they can be successfully used on long trains of freight cars.

The success and growth of the system of heating passenger cars from the locomotive, or other single source, will be greatly promoted, if Congress will take such action as will insure the adoption of some uniform steam-coupler.

We respectfully urge that you will give the three subjects above mentioned liberally of your thought and of your energies, to the end that Congress may, without unnecessary delay, refer them to the Interstate Commerce Commission, or take such action as may seem to it advisable. We commend for adoption the following draught of a resolution :

*Resolved*, That the Interstate Commerce Commission are instructed to consider what can be done to prevent the loss of life and limb in coupling and uncoupling freight cars used in interstate commerce and in handling the brakes of such cars, and in what way the growth of the system of heating cars from the locomotive, or other single source, can be promoted, to the end that said Commission may make recommendations in the premises to the various railroads within its jurisdiction, and report its doings to Congress at an early date, with such suggestions as to legislation on said subjects as may seem to it necessary or expedient.

We, who have been vested by the authority of the State with a commission which imposes upon us a special trust to promote the safety of employes and passengers on railroads, respectfully press this petition, as in duty bound, in the name of the multitude of those who have suffered and in behalf of the multitude of those who are yet to suffer, unless saved by your philanthropic offices.

The Board also communicated with the commissions of the various States, several of whom joined in sending a similar communication to their Senators and Representatives in Congress. The legislature of Massachusetts also adopted and forwarded to Congress the following resolutions :

*Resolved by the senate and house of representatives in general court assembled :*

Whereas thousands of railroad employes every year are killed or injured in coupling or uncoupling and in handling the brakes on freight cars used in interstate traffic, and most of these accidents can be avoided by the use of uniform automatic couplers and train brakes; and

Whereas the success and growth of the system of heating cars by steam from the locomotive or other single source largely depends on the adoption in interstate traffic of a uniform steam coupler; and

Whereas these subjects are believed to be of pressing importance and within the proper scope of the powers of the Congress of the United States, while attempts on the part of individual States to deal with them have resulted and must continue to result in conflicting regulations :

*Resolved*, That the senate and house of representatives of the Commonwealth of Massachusetts, in general court assembled, do most respectfully and earnestly urge upon Congress a consideration of the foregoing subjects, with a view to the passage of a resolution instructing the Interstate Commerce Commission to consider what can be done to prevent the loss of life and limb in coupling and uncoupling freight cars used in interstate commerce and in handling the brakes of such cars, and in what way the growth of the system of heating passenger cars from the locomotive, or other single source, can be promoted, to the end that said Commission may make recommendations in the premises to the various railroads within its jurisdiction and report its doings to Congress at an early date, with such suggestions as to legislation on said subjects as may seem to it necessary or expedient.

*Resolved*, That a copy of these resolutions be transmitted to the Congress of the United States and to each of our Senators and Representatives therein.

In senate, adopted March 22, 1888.

In house, adopted March 27, 1888.

Congress having failed to take any action on these resolutions other than to refer them to the proper committee, this board availed of the opportunity afforded by the conference of railroad commissioners in Washington on the 5th of March last to secure the passage of the resolution then adopted, and referred to in your circular, to which this is a reply, and in regard to which the following specific responses are made:

(1) The first inquiry relates to the history of safety-appliance legislation. In this State there are statute provisions requiring draw-bridges to be furnished with conspicuous signals; that switches shall be of a kind approved in writing by this board; that bridge guards approved by the board shall be maintained; that sign-boards shall be maintained at crossings of highways and in certain cases at crossings of traveled places; that gates shall be erected at crossings when the county commissioners or the railroad commissioners so request; that good and sufficient brakes be attached to every car used for transportation of passengers; and to every freight car, except four-wheel freight cars, used only for freight; that each train shall be equipped with certain tools for use in case of accident and with such other tools and appliances as the board may direct; and also that each passenger train shall be equipped with certain specified tools for protection of passengers in case of fire; that no passenger car shall be lighted by naphtha or by an illuminating oil or fluid made in part of naphtha or which will ignite at a temperature of less than 300 degrees Fahrenheit; that safety-valves shall be provided with appliances for deadening the sound; that persons who are called upon to distinguish color signals shall be examined for color blindness; that locomotive boilers shall be tested in accordance with regulations prescribed by the board; that every railroad company shall place upon its freight cars constructed or purchased by it, and upon every freight car owned by it, of which the coupler or draw-bar is repaired by it, such form or forms of automatic or other safety coupler at each end thereof as the board of railroad commissioners may, after examination and test, prescribe; that the board may exempt a railroad from the necessity of making a know-nothing stop at a grade crossing with another railroad, providing a system of interlocking automatic signals approved by the board is in operation at such crossing; that frogs, switches, and guard rails, with the exception of guard rails on bridges, shall be adjusted or blocked to the satisfaction of the board so as to prevent the feet of employes from being caught therein; and that passenger, mail, and baggage cars shall be heated only by such furnaces or heaters as may be approved in writing by the board.

The legislation relating to safety appliances has been complied with by the railroads without the necessity of resorting to the pecuniary penalties which in most cases are imposed by the statute. No serious obstacles have been encountered. The general effect has been salutary.



It will be noticed that indorsement by the legislature of special patents has been avoided. The only instance in which a special patent has been mentioned in the statute was that of the Tyler switch, and by the legislature of last year that special sanction was withdrawn.

(2) The condition of affairs in regard to automatic couplers is set forth in our report of January, 1888, pages 52 to 55, inclusive, and in the report for this year, pages 2 to 23. Our railroad companies are not enthusiastic over the Master Car Builders' standard type. The automatic couplers which have been approved by this board are the Janney, the Hilliard, the Cowell, the United States, the Hein, the Boston automatic, and the Safford. Most of these were approved before the Master Car Builders' Association made its selection. The progress towards a uniform automatic coupler is not satisfactory, and, in the opinion of this board, can only be secured by Congressional interference.

(3) The progress in the use of train brakes is not satisfactory. In some few instances complete freight trains used only for traffic within the State are provided with train brakes, and in some other cases a small proportion of the cars on freight trains are provided with the Westinghouse automatic air-brake, but generally freight trains are only provided with the old hand brake. With reference to the introduction of train brakes as well as of automatic uniform couplers, this board deems that such expedition as the gravity of the case demands can only be secured by Congressional action.

(4) A full statement as to what is being done in this State in regard to heating and lighting passenger cars will be found at the beginning of the report of the board for the current year.

(5) The answer to this question is embodied in the answer to the first question.

(6) For the reasons already stated or referred to, Federal regulation of freight-car couplers and of freight-train brakes seems desirable. The regulation of couplers for steam heating, though desirable, is not so imperative, and can be more readily managed by the companies forming connecting lines without Federal interference.

(7) Federal legislation should impose upon the Interstate Commerce Commission the duty of prescribing the conditions which freight-car couplers should fulfill, and should give the Commission authority to make such investigations as it may deem necessary, and to employ experts therefor. The difficulty of decision has been greatly lessened by the action of the Master Car Builders' Association in selecting a type, though in a matter of such importance it might be well to have the question again acted upon by that association. It should be provided by law that, when the Commission has announced the requirements, every railroad company doing an interstate business shall place on its freight cars thereafter constructed or purchased by it, and upon every freightcar owned by it, the coupler or draw-bar of which is repaired by it, an automatic coupler fulfilling the conditions prescribed by the Commission; and that from and after a certain date, to be fixed by the Commission, not less than three nor more than five years from the time when the order is issued, no freight cars shall be used in interstate traffic unless they are provided with automatic couplers fulfilling the requirements. The conditions should be so drawn as to permit latitude in design without sacrificing interchangeableness or such uniformity in operation as may be requisite.

Similar provisions of law and corresponding action by the commission should be taken with reference to equipping freight cars with



train brakes. The conditions which must be fulfilled should be prescribed, and the difficulty in determining the conditions will not be found to be so great as in the case of couplers.

Similar proceedings might eventually be had with reference to steam-couplers for heating trains, but it is at least questionable whether the experience in train-heating has yet reached a point which will justify Congressional regulation.

(8) It would seem that a board, after the analogy of the Steam-boat Inspection Service, would be unnecessary; but the Interstate Commerce Commission might eventually be vested with power to employ inspection agents. This power would not be requisite at first, as it seems probable that the Commission, through the instrumentality of annual reports, could secure most, if not all, the information needed.

#### FROM THE RAILROAD COMMISSIONER OF MICHIGAN.

[By John T. Rich, commissioner.]

Your circular letter of the 17th of May ultimo, making certain interrogatories in relation to safety appliances for use on railroads and legislation in regard thereto, was duly received. The history of the legislation in this State is best found in the acts themselves, a copy of which is sent you under separate cover.

The legislation upon this subject has been as well observed as the conditions would admit of.

The means used to enforce the laws have, as a rule, been through interviews with the railroad officials, correspondence, and in a few instances formal orders have been issued in specific cases. It may be properly said here that the railroad managements have manifested a commendable spirit in endeavoring to comply with law, and when to do so literally was impossible, then they have complied as far as practicable with it in spirit and intent. The general effect has been to reduce the number of accidents of certain classes, while in others no improvement has appeared to result.

The blocking of frogs and guard rails is generally done in this State, and we have had no accidents from such causes in several years.

#### AUTOMATIC COUPLER.

There has been no apparent improvement in the use of automatic couplers in any general sense. In 1886 my predecessor, Hon. William McPherson, after taking the testimony of the principal railroad officials of Michigan, approved of seven different couplers for use in this State, as required to do by the provisions of the statute then recently passed by the legislature regulating such use. There is no doubt that Commissioner McPherson made as judicious selections as possible to have done at that time with the light he had before him, and acting as he did largely upon the recommendation of the railroad officials whose views he consulted. But it is nevertheless true that not one of the couplers then selected has come into general use in the State, or has proved a success in any practical sense. The Flint and Père Marquette Company selected the Marks coupler and equipped a large number of their freight cars with that pattern. They have been doing a large traffic in the hauling of logs, and there is no doubt that the use of the Marks coupler on their logging cars has prevented many accidents. The other couplers were put upon cars that went into general use, and the almost universal practice of train-men has been to couple the automatic couplers by the ordinary method of going between the cars and guiding the link with the hand. Inquiries among the men why they take

that risk, brings the almost uniform reply that there is no dependence to be placed upon the working of the so-called automatic, and so they prefer to couple by hand to start with.

Since my appointment as commissioner, two patterns of couplers of the Master Car Builders type (so called) have been approved for use in this State—the Janney upon the application of the Grand Rapids and Indiana Railroad Company, and the Dowling upon the application of the Michigan Central Railroad Company. Of the former only a few have been put on, and appear to work well when coupled with each other. Of the latter pattern I understand that a considerable number were applied, but I am advised did not prove satisfactory, and no more are being used by the Central Company.

The foregoing is about all the progress I am able to report from this State in the way of adopting automatic couplers of the Master Car Builders type.

The railroad officials appear to regard that type of couplers with considerable favor as being the one most likely to secure early uniformity in car couplers. It is claimed by some that during the transition period, from the use of the old style of couplers with the latter, the danger from accident will be increased rather than diminished.

The train-men, generally, are opposed to any form of the automatic coupler and express a preference for the Safford link and pin coupler, which is provided with concave face, thus leaving room for the hand while the coupling is being made. In short, so far the situation in Michigan indicates very little progress has been made in the adoption of the automatic coupler, except to demonstrate how great are the difficulties to be overcome before they can be expected to come into general use.

#### HEATING AND LIGHTING OF PASSENGER CARS.

Since the law of 1887, Michigan statutes, went into operation with regard to heating cars by some safer method than that heretofore generally in use—stoves—the managers of the principal roads in our State have been doing the best they could to accomplish the purpose of the law. On several of the roads experiments in the way of heating their cars by steam from the engine have been under way for two years past, but so far with indifferent success. It has proven an uncontrollable method in many particulars, and the heat provided has not been as agreeable as that from the hot-water radiators. No means have yet been devised to keep the car warm in case of an accident to the locomotive, in case of a removal of the stoves, so that the latter have generally been permitted to remain in position. No device has as yet been approved at this office for use under the provisions of our statute, but ordinary stoves and frail heaters have been ordered from the cars on Michigan railroads. Hot-water heaters are thus far giving the best satisfaction to the occupants of the cars. Most of the companies will continue to experiment in this connection during the coming winter.

No complaint has been made to this office of the methods of lighting generally employed on the railroads of this State, and, I think, of other States, by lamps burning kerosene oil, which in Michigan must only flash at a temperature of 300° Fahrenheit.

#### TRAIN BRAKES.

Train brakes are being rapidly brought into use in this State. The necessity for speed in the transportation of perishable goods requires some method for quickly stopping of trains. This can only be accom-

plished by the use of power brakes, or the employment of a large number of train-men, and the former plan is now being generally adopted for the desired purpose. It is doubtful whether the progress is being made with sufficient celerity to please the train-men, but the necessity for their use is recognized by most officials, and such brakes will be utilized as fast as conditions will permit on our main trunk lines. Legislation may be necessary to secure the co-operation of the less important companies in this regard. But as the efficiency of the power brake comes to be understood and appreciated their adoption even on the smaller roads will be a matter of brief time only. No trains are made up at present on which the train-men employed are not obliged to traverse the tops of the cars more or less.

Experiments are now being made by the Michigan Central Company in lighting their passenger cars by the use of electricity furnished from storage batteries. So far as reported the experimenting is proving satisfactory.

#### OTHER SAFETY DEVICES.

Interlocking switches are being put in at all new railroad crossings in this State, and at many of the older ones. They are giving the best of satisfaction. The split-switch is also being adopted as rapidly as circumstances will permit, and are universally conceded to be a great improvement and conducive to safety, as it lessens the danger of derailment at least one-half.

#### FEDERAL LEGISLATION.

It is doubtful whether Federal legislation will accomplish much of what is desirable in the way of regulations for the adoption of safety appliances on railroads in the States. The difficulty generally with legislation in regard to safety devices has been that the law passed has required much at the hands of railroad companies when no means for the performance of the requirements are available, and it is difficult to understand how legislation by Congress can stimulate or anticipate human ingenuity in that respect.

With regard to couplers it might be deemed desirable, and perhaps necessary, when a real automatic coupler is discovered, to invoke the aid of Congress in securing its use by the railroad corporations in the different States, but beyond this, in my judgment, very little could be accomplished in that behalf by Federal legislation.

The heating, lighting, and brake questions will soon solve themselves without much of any legislation, State or national.

If Federal control is to be assumed in such matters, I am of the opinion that a board organized somewhat after the plan of our supervising marine would be preferable to a general commission.

FROM THE RAILROAD COMMISSION OF NEW YORK.

[By William E. Rogers, chairman.]

\* \* \* \* \*

(1) At the time of the creation of the board of railroad commissioners of this State there were comparatively few statutory regulations providing especially for the safety of train-men, although there were a number providing for that of passengers. After the board had been in existence about a year, an act was passed upon its recommendation (chapter 439, laws of 1884) entitled "An act for the better protection of life and property upon the railroads of this State to promote the safer and better management of steam railroads."



The first section provided for the abolition of the old stub switch, and the substitution of switches of a better construction.

The second section required the construction of warning signals at the approach of low bridges to prevent train-men being struck while on the roofs of cars.

The third section provided for the construction of gates or stationing of flagmen at highway crossings.

The fourth section provided that after July the 1st, 1886, no coup-  
plers other than automatic should be placed upon any new freight car to be built or purchased for use upon any railroad in this State.

The fifth section provided for all trains coming to a full stop before crossing another steam-railroad track at grade.

The sixth section required every passenger car to be equipped with an automatic air-brake or some other form of safety-power brake to be applied from the locomotive.

The eighth section provided that each passenger car should be equipped with a set of tools to be used to extricate passengers in case of accident.

In 1887 an act was passed prohibiting any steam railroad after the 1st of November, 1888, from heating its passenger cars on other than mixed trains, by any stove or furnace kept inside the car or suspended therefrom, exempting from the act railroads under 50 miles in length, and empowering the board of railroad commissioners in special cases to extend the time not to exceed a year.

This act also provided that guard posts should be placed in the prolongation of the line of bridge trusses to prevent these trusses being broken down by a derailed car.

In answer to your question, \* \* \* I can say with assurance that the provisions with regard to steam heating have been very generally conformed to. Extensions were made from time to time by the board in special cases, but the passenger equipment of the railroads of the State are substantially all fitted to be heated by steam from the locomotive at present, with the exceptions specifically provided for by statute. \* \* \* Whenever a violation of a law is brought to the attention of the board of railroad commissioners it immediately takes measures to have it enforced by the law officers of the State.

With regard to the other requirement of the law, the board is of the impression that they are generally enforced.

The board has in its employment an inspecting officer whose business it is to critically inspect the condition of the road-bed, ties, fish-plates, switches, trestles, and all other things connected with the permanent way of railroads, and also to see that the corporations comply with the provisions of law in all respects connected with the physical management of the road. This officer begins his inspection of the railroads as soon as the snow leaves the ground in the spring, and continues until the frost sets in in the autumn. He is enabled to visit every railroad in the State about once in two years. He makes a report to the board of the condition in which the railroad is found, with such criticisms and recommendations for the remedying of defects as he may deem proper. A copy of this report is sent to the president of the railroad with the recommendation of the board, if it approves of the recommendation of the inspector, that the suggestions of the inspector be adopted. An opportunity is given the railroad for a hearing and for a modification of the recommendation of the board.

Resulting from this inspection and from the measures taken by the board, there has been brought about an improvement in the physical

condition of the railroads of this State of which the public at large have very little idea.

The board has also given very special attention to the inspection of bridges. It requires each corporation to file with the board plans and drawings in detail of every bridge upon the line of its road with the strain sheet accompanying the same. The stresses upon every member of every bridge are re-calculated by the bridge engineer of the board, and if any structural weakness, deficiency of metal, or faulty construction is detected the corporation is notified of the fact and required to show cause why the bridge should not be strengthened or remedied.

This has been a most important and prolonged work. The strain sheets and calculations are in process of publication and within a short time the board believes they will be completed.

The critical inspection of bridges thus undertaken has led to the reconstruction of a large number and to the strengthening of a still larger number.

(2) This question is partially answered hereinbefore where your attention is called to the statute of 1884 regarding the same.

A bill has passed the legislature and is now before the governor requiring all corporations operating any line of railway by steam power in the State, by the first day of November, 1892, to equip all of their own engines and freight cars run and used in freight trains or other trains in this State with automatic couplers.

The board has no trustworthy information before it at the present writing as to what progress the standard coupler adopted by the Master Car Builder's Association is making. My impression, however, is that the progress is not very rapid.

(3) There was a bill introduced requiring the adoption of freight-train brakes, and it failed to pass the legislature this year. The board is not advised of there being any serious effort upon the part of railroads to equip their freight cars with air-brakes.

(4) The answer to the heating has been given hereinbefore.

With regard to lighting it may be said that a bill has passed the legislature prohibiting the use of kerosene oil, and is now before the governor awaiting his action.

The board is of the opinion that mineral sperm oil of 300 degrees fire test is a safe illuminating material. The use of oil of a lower test is prohibited already by statute in this State.

The board has given considerable attention to this subject, and its views may be briefly stated as follows:

In response to a resolution of the legislature, a public hearing was given on this and other subjects. With regard to lighting there were but two methods suggested at the hearing. One was by electricity, the other by stored gas. The method by electricity appears to be so expensive as to give but little encouragement to railroads to continue it.

There does not appear to be any trustworthy evidence that the present method in general use of lighting the cars with lamps in which mineral sperm-oil, so called, of 300 degrees fire test is used, is dangerous. In case of collision or sudden shock the lamps are almost certain to go out. While, of course, candles would probably be safer in certain contingencies, it is very questionable whether the great inconvenience the public would be subjected to by such a dim light would be compensated for by the slightly increased safety.

The method of storing gas in reservoirs under the cars is one which

the board is not prepared to pronounce as more or less safe than lamps, there being no evidence attainable at present on the subject. The bursting of such a reservoir in a collision would let loose a highly inflammable material liable to catch fire and do great injury. The methods now being experimented upon by railroads for lighting cars, known as the "Pintsch" system and others, consist in storing gas, either common coal-gas or a gas from petroleum, in reservoirs under the cars. This board is not prepared to give such a system its sanction, certainly at present.

Since the board has been in existence there has not come within its knowledge a single case of a railroad car, either in collision or otherwise, in this State, having caught fire from the lamps.

It would thus appear that there is no very immediate necessity for legislation upon this subject.

(5) This question has been incidentally answered hereinbefore.

(6) I am of the impression that Federal legislation can properly be invoked to cover the matters of automatic brakes, uniform automatic couplers, and uniform couplers for steam-heating, and I see equally good reason why there should be Federal legislation with regard to these matters as with regard to safety measures for steam-ships and steam-boats navigating the rivers of the country.

In a report upon tests of automatic car-couplers, July 1, 1886, to be found upon page 179 of the first volume of the report of this board for 1886, the board uses the following language:

To attain the main object of an automatic coupler, *i. e.*, to save the lives and limbs of trainmen, it is most desirable that but one device should be in universal use. If there is diversity it will increase rather than diminish the present dangers.

There appears to be but two ways for this to be brought about, one by the operation of the law of the "survival of the fittest," the other by the creation by Congress of a commission to determine upon one coupler and compel its adoption by all companies engaged in interstate commerce.

The first method, it would seem, will be slow beyond all computation from present indications. There appears to be no good reason, however, why the second could not be done.

Under its powers to "regulate commerce among the several States," Congress has already prescribed rules for the inspection of hulls and boilers of steam-ships, for the examination of engineers as to their competency, for vessels being provided with boats, life-preservers, and for many similar things to insure the safety of travel by water.

It would seem that the same power could and should be exercised to insure safety in the operation of railroads.

From the diversity of the recommendations made by the States which have already acted on the coupler question, it seems to be hopeless to secure unanimity from them acting separately.

It is needless to say that, with regard to the many matters of safety involved in the proper maintenance of the road-bed, incidentally mentioned hereinbefore, they should be kept exclusively within the State control. Safety appliances, however, to be applied to the rolling stock moving from State to State, and requiring uniformity to be efficacious, should clearly, in my opinion, come within the Federal supervision, and if necessary, compulsion.

(8) It would seem that the simpler the agency the better. Probably no better method could be devised than to appoint an inspector, of the Interstate Commerce Commission, whose duties it would be to see that the Federal regulations with regard to these devices, *viz*, automatic brakes, automatic couplers, and automatic steam-couplers should be conformed to by the railroads throughout the country whose cars pass from one State to another.



## FROM THE RAILROAD COMMISSIONER OF OHIO.

[BY W. S. CAPPELLER, COMMISSIONER.]

(1) The legislature of this State has from time to time, by legislation, sought to require railroads to adopt such measures as would lessen the number of accidents in the State. As far as my observation goes, the railroads have always complied to the statutory requirements. The general effect has been, I think, to lessen the number of accidents. The number per mile of line operated is much less than it was fifteen years ago.

(2) All passenger trains use automatic couplers. I am unable to say what the attitude of all railroads is towards the standard coupler. The consideration given the matter by the Master Car-Builders' Association, should have, and no doubt will have, considerable weight with railroad operators.

(3) Some of the trunk lines, viz, the Pennsylvania Company, the Lake Shore, and Baltimore and Ohio have within the past year fitted up some through freight trains with automatic brakes, but I doubt if the expense is not too great to come in general use. For the coming brake for freight trains, in my judgment, we will have to depend on electricity. The experiments that are being made give reason to hope that such can be applicable to freight trains at a nominal cost.

(4) We have no statute in this State against coal-stoves for heating or oil-lamps for lighting.

(5) All passenger trains are required to carry saw, ax, and sledge, and water-buckets for extinguishing fires, also all roads are required to block frogs and guard rails so as to prevent the feet of employes or others from catching in them. Safety gates or flagmen are required at street crossings when, in the judgment of the commissioner, they are necessary.

(6) States in themselves may legislate for safety devices, but the confliction of legislation by States has a tendency to embarrass trunk-line roads operating in different States. It would therefore be much better if Federal legislation could be had, thus making it uniform, and which in time the small roads of the State would adopt themselves.

(7) Federal legislation in regard to coupler, train brake, car heating and lighting, would be far preferable to State legislation; its uniformity would be its greatest virtue, but, upon this subject, only such appliances should be adopted as have been thoroughly tested and approved by the Master Car-Builders' Association, which it is safe to say is, or should be, unprejudiced and without favoritism.

(8) Federal legislation, to be expedient, should be administered by the State commissions, where they exist, thus avoiding duplication and confliction of orders. The Federal Government might make such appointments, giving preference to existing boards where they exist, thus lessening the expense both to the State and Federal Government and insuring the highest measure of service.

In my report of 1887, I held, and still hold, that it was against public policy to burden railroads with unreasonable legislation; that the public would demand friendly relations with the railroads, the one the accommodating servant of the public, and the other just and reasonable in all its demands. If the statistics could be compiled, I believe it would be shown that the percentage of accidents, while more frequent than they should be, is in fact no greater than the percentage arising from other causes of equally hazardous employment. There is an infatuation about railroad train service that is enticing to young men

who are not particularly developed in the bump of caution. Accidents pervade all business, trades, and professions—steam, gas, electricity, builders, and so on to the crack of doom. Much has been done, and much more can be done to lessen the percentage of accidents. If Congress can by wise legislation contribute in that direction, it will have rendered an everlasting service.

#### FROM THE RAILROAD COMMISSIONERS OF OREGON.

[By G. W. Colvig, J. P. Faull and Robert Clow, commissioners, G. A. Waggoner, clerk.]

\* \* \* \* \*

(1) The State of Oregon has no legislation on the subject of safety appliances on railroads.

(2) The Miller coupler on passenger cars is in general use. No automatic coupler is in use on freight cars on any of the lines in this State. There is no prospect apparent of any uniform safety coupler being adopted unless it should be enforced by an act of Congress.

(3) Freight trains are managed largely by means of hand-brakes on all of the lines in Oregon. No company so far as this board is informed has a complete air-brake system in the State.

(4) All passenger cars in this State are heated by means of stoves and lighted by oil lamps.

(5) The board is not informed of any other safety devices being introduced in Oregon.

(6) The board believes that some system of automatic couplings should be adopted by the General Government, but that it should only require the same to be put on all cars constructed after the passage of the act. The reason for such a system is that the board believes it would greatly lessen the number of deaths and injuries which result from hand couplings.

(7) That the board has no suggestions to make in relation to lighting cars by electricity. That some method should be adopted for car-heating other than that of stoves.

(8) The board believes that the Federal authority should have an inspector of railroads for each State. He should have power to grant a license to railroads to operate roads for freight or passengers within the State. He should be required to examine under oath and by proper interrogatories all applicants for the position of engineer or conductor on any train or engine, and if found qualified to grant such person a license to act as such. He should have power to compel all companies in the State to cease running until it complied with the law by having duly qualified train-men.

EXTRACT FROM A LETTER FROM GOVERNOR E. W. WILSON, OF WEST VIRGINIA, DATED SEPTEMBER 26, 1889.

As a matter of fact, there is not a railroad in the United States but more or less conveys freight destined to another State, and, therefore, it would seem that Congress has the power to compel the use of safety appliances; this, of course, on the assumption that the power to regulate, etc., carries with it the authority to legislate upon the mode of conveyance.

#### OTHER STATES.

Brief replies indicating in nearly all cases an absence of legislation on the matters treated of in the circular, were received from Alabama,

Dakota, Florida, Illinois, Indiana, Iowa, Minnesota, Mississippi, North Carolina, Washington, and Wisconsin.

FROM THE MASTER CAR BUILDERS' ASSOCIATION.

[By W. McWood, president, and John W. Cloud, secretary, for executive committee.]

Your printed circular of May 17, 1889, addressed to the Master Car Builders' Association, which accompanied your letter of June 6, to the secretary, was read before the association in convention at Saratoga, N. Y., on June 27, and referred by the convention to the executive committee for reply.

The points of inquiry, either expressed or implied, upon which this committee is best prepared to furnish information are those relating to the construction and equipment of passenger and freight cars. Many of the railroads represented in the Master Car Builders' Association have been obliged by State laws, intended for public protection, to make important changes in the coupling of freight cars, which render the cars less facile of interchange with other railroads in the same States as well as in other States, by making them more dangerous to couple in many cases when adjacent to cars of other railroads, so that it is doubtful, in the absence of any carefully sifted statistics, whether the laws have resulted beneficially.

This association has for the past twenty years appreciated the great importance of uniformity in freight-car couplings throughout the United States and Canada on account of the vast interchange of cars, and it long ago established a standard height from top of rail to center of coupling, as well as a standard link and standard buffers with standard location on end sills, so that cars of all railroads might be coupled together with equal facility. We are aware that damage sometimes happens to men in coupling by this method, either from carelessness or otherwise, even when these standards are followed, but we think the establishment and maintenance of these standards has been beneficial, and we do not think it wise to disturb this uniformity unless it be supplanted by uniformity again in a form which is less dangerous to operate, and we believe that the present lack of uniformity, if allowed to be perpetuated, and still more so if extended by other State laws, will introduce more dangerous circumstances than it will eliminate.

Putting continuous or train brakes on freight cars is largely a financial question which this association does not attempt to handle; the mechanical questions have been pretty definitely settled, so that good efficiency may be surely had.

Heating and lighting passenger cars more safely is a problem not to be pushed too vigorously until better methods are proven, as an imperfect system once established is hard to eradicate, even after more perfect methods have been developed, in which purity of air has been properly considered.

In regard to safety appliances and practices in general, a large part of the time and attention of this association is given to perfecting plans and adopting rules of construction and inspection for numberless details, so that the lives of men may not be jeopardized when it is possible for human ingenuity and foresight to prevent it, and if the proposed action of your Commission will surely further this end and will bear equally upon all cases of same class doing service in the United States, the Master Car Builders' Association will welcome it as an efficient aid to the accomplishment of what it seeks to do.



## FROM THE BROTHERHOOD OF LOCOMOTIVE ENGINEERS.

[By James F. Walsh.]

Your letter, also circular of inquiry of May 17 addressed to P. M. Arthur, grand chief engineer Brotherhood of Locomotive Engineers, were by him referred to me with the request that I make answer at as early a date as possible. I therefore make it the object of this letter to answer your queries and will endeavor to follow in the order they are presented.

(1) Outside of a law passed by the State legislature at its last session in reference to the heating of passenger cars by steam, I may say none.

(2) The tendency on the part of trunk lines and the roads directly connecting is to equip that part of their freight equipment used in the transportation of live stock and perishable property with the automatic coupler. Should the present feeling continue, the prospects for a general movement in this direction appear bright. The progress is slow at present, the drawback appearing to be the increased cost of the new couplers and the discarding of the old ones as long as they are serviceable, also the slowness of some of the roads to take hold of anything that tends to increase their operating expenses, each management endeavoring to make a favorable showing.

(3) The progress in this direction is also very slow. That part of the equipment mentioned in the foregoing answer is also being equipped with power (air) brakes. The progress in this direction in point of safety to train-men and general safety is far from being satisfactory. The weight of a freight train of to-day is double and in many instances treble that which it was a few years ago. The speed of freight trains has been increased in equal proportion to the weight, but, unless where a few of the cars equipped with a power-brake are in the train, the facilities for bringing the train under control have not been increased. When one-third or more of the cars in an ordinary freight train are equipped with the power-brake the necessity for train-men traversing the tops of cars is reduced to a minimum.

(4) There is a general movement at present towards equipping passenger cars with steam-heating apparatus.

(5) In reference to the adoption of safety devices which do not come under the notice of the general public the tendency is to drag very slowly.

(6) However undesirable to the railway companies Federal legislation might be, in justice to those employed on the roads and to the traveling public, some definite action should be taken looking towards the adoption of safety devices, such as signals being placed on all switches and at grade crossings, also the keeping of watchmen at these crossings to change the position of the signals so as to permit trains having the right to pass, while indicating to others that the track is not clear.

Also the erection at a safe distance from points of danger a signal that may be seen by train-men at night or during bad weather indicating their close proximity to such points.

(7) Without Governmental action it does not appear that any general movement will be made in the near future in reference to the adoption of safety appliances. The Janney type of coupler is meeting with a great deal of favor for freight cars, the main features of this coupler having been approved by the Master Car Builders' Association.

The Westinghouse improved automatic air-brake is being used when power-brakes are being applied to freight equipment.

Steam from the locomotive is the most simple and easily handled for heating purposes.

For lighting purposes, electric appliances as at present constructed are too expensive to justify their compulsory adoption when the slight danger to damage from the present form of non-explosive lamp is considered.

(8) As to the expediency of Federal legislation, I do not think that without it the adoption of life-and-property saving devices will ever become general, and the result will continue to be the periodical recurrence of accidents, causing great loss of life and damage to property through a desire to make a dividend-paying railroad out of one which should never have been constructed.

Without Federal inspection Federal legislation in reference to those matters will not have much force.

As to the manner of inspection, my idea would be a division of the country into districts, the size of the district to be governed by the number of miles of railroad. An inspector to be appointed for each district, he to be an experienced railroad man. His duty to be an inspection at frequent intervals of the roads and their equipment. Should his attention be called to a dangerous place in the road-bed, inferior or unsafe material or machinery, or to the neglect of duty or intemperance or incompetency on the part of an employé, he to have full power to act in the case pending an appeal to those in authority over him.

#### FROM THE ORDER OF RAILWAY CONDUCTORS.

[By William P. Daniels, grand secretary and treasurer.]

Your favor of the 17th instant to Mr. Wheaton, together with accompanying circular, has been referred to me for reply.

(1) I am not informed as to legislation in different States in regard to safety appliances; I believe Michigan has a State law requiring automatic couplers, and there is now pending in New York an act to compel railway companies to equip all rolling stock with automatic brakes and couplers. This bill was introduced by request of members of the Order of Railway Conductors, and I inclose herewith a copy of it. It has been amended by the New York legislature, but I am not informed as to what the amendments are.

(2) In this respect also I am not well informed, my time and attention being so fully occupied by other matters that I have been able to give this matter of brakes and couplers but little attention. So far as I can judge, railway companies seem to wish to adopt both automatic brakes and couplers as fast as they can consistently do so, and I think the Western railways are generally favorable to the standard adopted by the Master Car Builders' Association. Several of them are now equipping all new stock with both this standard coupler and the Westinghouse automatic brake and replacing old couplers with the standard whenever repairs are necessary.

(3) Is partially answered in reply to second. The progress made by railways in the matter of safety brakes is not entirely satisfactory to train-men, for the reason that a majority wish to see such brakes placed in use immediately on all trains without regard to possible financial consequences. I do not think any appliances can possibly be adopted that will obviate the necessity of brakemen traversing the tops of cars.

The adoption of the Westinghouse automatic brake does away with this necessity, to a great extent, but every practical train-man will agree with me that on heavy grades, approaching stations or other places where a stop may be necessary, brakemen should and must be on top of trains and ready for duty in case of any possible failure of automatic brakes.

(4) Considerable progress is being made in the way of steam-heating for passenger trains, and while many railway companies claim that the use of steam has not yet been proved to be practicable, others, and among them those who have used steam longest, report entire satisfaction. In view of the possible danger from fire in case of accident, I do not think satisfactory progress is being made by railway companies generally in this respect. So far as I can learn, but little is being done to do away with oil lamps for lighting cars; some few companies are experimenting with electricity, and one at least has demonstrated that it can be successfully used. As to comparative cost I am not informed. I think progress in this respect is very unsatisfactory, and I think Federal legislation, if not too radical, is very desirable, and do not think of any tangible reason for opposing such legislation. In respect to brakes and couplers, while a very important matter, it is, I think, secondary to heating and lighting, and in any legislation care should be taken not to unreasonably burden railways that may be financially weak.

(5) The old bell-cord and engine-gong should be driven out of existence immediately. It is extremely unreliable and consequently very unsafe. Much better appliances are in use, yet one State compels by a State law a railway that has equipped all its passenger trains with an almost perfect signaling appliance to continue the old bell-cord and gong.

(6) Partially answered in reply to fifth; I think there should be Federal legislation prescribing severe penalties for unauthorized tampering with train signals and brakes; this is a common source of annoyance and danger.

(7) Legislation in regard to couplers, if any is had, should, I think, merely provide that all roads shall have all their rolling stock equipped with couplers that will couple automatically with the Master Car-Builders' standard. This would of course be objected to by many and with apparent good reason, but in this as in other matters in this connection, the safety of human life and limb is the principal end to be attained, and in these days of unlimited exchange of cars the main object would be defeated if different roads used different types of couplers which would not couple automatically with any and all others in use. Exactly the same thing should be kept in view in regard to brakes. I am not well enough versed in constitutional law to know whether any certain appliance can be prescribed, but any legislation that does not provide for a general exchange of rolling stock without interfering with the operation of either couplers, brakes, or any other train appliance, is, in my opinion, utterly useless. Federal legislation is much preferable to State legislation on any of these subjects, for it would have the natural effect of making equipments more uniform, and railways which might not be directly subject to Federal control would be so intimately connected with others that such legislation would produce the desired result.

(8) An experience of over twenty years in almost every branch of train service, including the control and running of trains and locomotive engines, has convinced me that there should be a thorough system of Federal inspection. My experience has shown me that of those



directly connected with train service the conductor occupies the most important position, bears the greatest responsibility, and upon him rests the burden of responsibility for a majority of those accidents due to other than unavoidable causes. He has control of all employed on the train and is held by his employers responsible for any failure, not only on the part of himself, but on the part of every other person employed on the train. He should be, and by the rules of some railway companies is, required to be competent to perform the duties of every other person on the train, including the engineer. I believe that conductors should by all means be subject to an inspection provided for by the Federal legislation, and the result of some six years' study on this subject is embodied in a bill introduced in the House of Representatives January 10, 1888, by Mr. Cummings, of New York (H. R. 4289), a copy of which I shall be glad to send you if it can not be conveniently procured there. The next in importance and responsibility is the engineer, and while it might be desirable to include locomotive engineers in any inspection provided for under Federal authority, I believe that the desired object will be fully attained by inspection for conductors alone; and inasmuch as there will be much opposition from those interested and affected by such legislation, I think it would be wise to make the experiment with the conductor alone, adding the necessary provisions for including any others after practical experience shall demonstrate the benefit of inspection for one class and the need for including others. Engineers almost unanimously oppose any legislation of this kind except that which will aid them in successfully carrying on a "strike" (note bill introduced in Illinois general assembly during present session). The more intelligent conductors are in favor of Federal supervision, and one reason is that they believe it will prevent "strikes," and section 21 of this H. R. 4289 is intended to have that effect. A copy of this bill will complete my reply to this eighth, as to how a board should be constituted, etc. I will simply add that, to avoid serious opposition from those affected, any board must be composed of practically experienced men, the great objection on the part of all being the fear that the inspection might be by technical experts and scientists who have no actual practical experience. \* \* \*

FROM CHARLES F. ADAMS, PRESIDENT OF THE UNION PACIFIC RAILWAY COMPANY.

I have to acknowledge the receipt of your favor of the 10th instant, covering a circular in relation to the propriety of making the mechanical features of railroad work the subject of statutory regulations.

I can merely say in answer to this circular that the subject is one which has engaged my attention for more than twenty years, viz, as a railroad commissioner in the State of Massachusetts, and more recently as the president of a large railroad company.

The whole result of my observation and reflection for this entire period has been to satisfy me that all statutory regulation of this subject is unwise and impolitic.

This conclusion is based on the following reasons, viz:

First. All statutory regulation, so far as I know, implies a monopoly on the part of those whose appliances are to be used.

Second. The railroad companies of the country are now under the heaviest possible bonds, in the shape of damages sure to be rendered against them by juries in case of disaster arising from carelessness.

Third. If they are to be held to this responsibility, they should be

allowed that liberty of action which is necessary to protect themselves. It is unfair that the legislatures should in the first place prescribe what appliances they shall use, and then for juries to inflict heavy penalties in case of accident in using them.

Finally, if there is one miracle which has been worked during the last century, it is the miracle of safety with which millions of passengers are annually carried over the railroads of the country, with a percentage of loss and injury which is simply marvelous for its smallness. This result has been brought about by the companies working under the penalty of damages found by juries in the case of disaster. Judging by results, I am unable to see why the system has not worked well, and why it should not therefore be left alone. \* \* \*

FROM JOHN W. CLOUD, SECRETARY OF THE MASTER CAR-BUILDERS' ASSOCIATION.

\* \* \* \* \*

While I can not give any adequate history of legislation looking toward the safety of railroad employes, and the public generally, in any State, yet I have had personal and practical acquaintance in some States with the efforts on the part of the State commissioners and of the railroad companies in trying to determine what to do and in following these decisions practically, especially in regard to safety couplers for freight cars and in regard to heating passenger cars, which a number of States now have regulating statutes for with the details placed under the supervision of a board of railroad commissioners in such States. While it may not be universally true, it seems that fear of possible damages which may be shown to have resulted from a failure to comply with these statutes, and which may be awarded upon action brought in the courts against any railway company, is the principal means relied upon to enforce such legislation up to this date.

In the absence of positive data, so hard to get in such matters without the aid of a board having Federal authority, it is impossible to say what has been the general effect of State legislation in regard to any of these matters, but in the important matter of safety in coupling freight cars it seems probable that the aggregate result has, up to the present time, been the reverse of what was intended by the legislators. When it is remembered that freight cars run over all railways as freely as at home, and that our numerous State lines form no barrier to their movements; when the large number of devices differing radically in construction, all of which may have equal claim for hearing and consideration before the State board is considered; when we consider the number of railroads forming by their several junctions through lines of transportation over which any car may pass; when it is remembered that the construction of freight cars throughout the United States and Canada is such that the couplers are the first points of contact, and, finally, when we consider the fact that all safety and automatic couplers have provisions for coupling by link and pin, which are used to couple with the old style as well as with most other automatic and safety couplers by hand, we may well appreciate why the operative looks with fear upon the ever-recurring new combination which he has to operate at increased risk of his limb on the first trial, and why he prefers the old uniformity which he has become accustomed to, rather than the new forms presenting so many new doubts and experiences.

There is no doubt that there are couplers which, if generally used throughout the United States, would be safer than the prevailing prac-

tice, but unless Federal aid is had in introducing such couplers universally, the case seems almost hopeless to those of us who have had to do largely with it. The Master Car Builders' Association, comprising representatives from all the principal railroads in the United States and Canada, has worked earnestly for a number of years past in trying to reconcile individual preferences and reach a standard universally acceptable, and while it has made marked progress during the past three years, the results of its labors are not as satisfactory as they should be because the association has no power to enforce compliance on the part of railroad companies, and its organization and operation are such that it can not have such authority in matters of this character. Many railroads are following its recommendations, and many others, though members of the association and obliged by State law to use some form of safety coupler, are not following them, because they justly consider that the association may have erred in its recommendations, but they do not perhaps fully consider the facts that compliance, so as to get uniformity, will result in good even if the device is not the best, abstractly considered.

In the matter of continuous or train brakes on freight cars the progress has been slow, no doubt on account of the first cost of such appliances. In this matter there is a good degree of uniformity of opinion as to what is the best to do, which has resulted largely from the labors of a special committee of the Master Car Builders' Association. The mechanical question being thus solved to general satisfaction, it is much simpler than the coupler problem, and to many of us it seems perfectly clear that the necessary expenditure for the equipment would be a wise investment, financially, if the question of greater safety to life is not considered at all, because the same amount of money invested in cars with train brakes will do the same or greater freight-carrying service, and do it with greater safety to the property and freight, on account of the higher speeds which may be safely run. On some western railroads the freight-train brake is generally used, but east of the Mississippi River there is probably not one freight train in one hundred that can be handled without the necessity of brakemen traversing the cars, an occupation which can not be appreciated in all its dangers without personal experience in doing it on a damp night when the temperature is below the freezing point.

In regard to heating and lighting passenger cars there are laws in some States which may do good service to the traveling public, but they are not in the main well considered and they generally omit the important question of ventilation, the result of which has already been evidently bad in many instances; good health is perhaps next in public importance to life itself, and the badly ventilated car, with heat uncontrolled, is liable to result injuriously in a direct manner upon the health as well as indirectly upon the life on account of violent draughts from opened windows beyond one's personal control. This matter should be very thoroughly considered before any legal authority is brought to bear enforcing compliance with certain laws.

The same in general may be said with regard to nearly all safety appliances and practices for railway use, and if any Federal legislation is had in regard to such matters, and if a board is constituted with authority somewhat analogous to that of the British Board of Trade in such matters, it will be hoped by all true friends of progress and prosperity that its personnel will include engineers of wide experience in matters it will have to handle, who are at the same time progressive men, so that they may fully understand the conditions but not accept



the existing state of things as the best and only practicable state. They should be qualified to direct experimental inquiry when necessary, by the aid of railroad companies, in such a manner as to reach reliable conclusions with the least expenditure of time and money, for many of the questions which would come before such a board can not be safely decided without such inquiry. The railroad companies themselves are, as a rule, fully occupied with questions of transportation, and with a few notable exceptions they follow old practices by force of necessity, and a Federal board would not fulfill its proper functions unless it were a demonstrator, in a certain sense, of better practices in some particulars important to the safety to life and limb. \* \* \*

FROM THEO. N. ELY, GENERAL SUPERINTENDENT OF MOTIVE POWER  
OF THE PENNSYLVANIA COMPANY.

\* \* \* \* \*

Mr. Wall, superintendent of motive power of our Southwest system, wrote you a reply to a circular of inquiry of a similar nature to that under consideration.

The letter was submitted to me before forwarding to you, and in it Mr. Wall gave you an indication of the status of our Western company upon the subjects treated.

The lines east and west of Pittsburgh are governed by the same standards of construction (furnished from this office) and the principles relating to their adoption are the same; so that it will not be necessary to here repeat what Mr. Wall has already written. The total number of freight cars east of Pittsburgh and Erie is 58,382, of which 2,341 are equipped with Janney couplers, and we are gradually putting them on the rest of the rolling stock.

These figures taken with those you have obtained from the Western lines, will give you the particular information desired.

Your circular answered by Mr. Wall was of date April 1, 1889, and the one addressed to me of date May 17, 1889.

Replying to the latter:

(1) I think that legislation has been made only in States where there are railroad commissioners; in this event, the question could best be answered by such commissioners.

(2) This question is fully answered in Mr. Wall's letter, which, as aforesaid, are the conclusions and opinions reached in the meetings of our officers here.

(3) All the locomotives of this company east of Pittsburgh and Erie, both freight and passenger, have been fitted with air-brakes for several years, and used as an aid to brakemen in handling trains.

Air-brakes have now been applied to 2,281 freight cars, and we are gradually supplying them to all freight cars which are liable to run in high-speed freight trains.

It is impossible to say at this time what influence this will have upon the safety of train-men, and to what extent it will be necessary for them to traverse the tops of the moving trains when the whole equipment shall have been fitted with brakes.

(4) The question of safe lighting of passenger cars has been constantly before this company, and compressed coal gas, which has proved itself to be very safe, has for many years been used on the main line.

On our branch and isolated lines a very high fire test burning oil (300 degrees), from which there is no possible danger of explosion, is used.

Every purchase of oil is carefully tested in our chemical laboratory at Altoona, and that which does not fully meet our specifications is never used under any conditions.

We have not, however, been satisfied with the quality of our car lighting, and in the largely-increased equipment of our present system it is very inconvenient.

For several years we have been experimenting, and are now introducing the carburetter system of lights in sufficient number to ascertain whether they will give as good results on a large scale as they have given in an experimental way. We think this light is as safe as any practical system of lighting that we know of.

There have been some twelve or fifteen parlor cars lighted by electricity, exclusive of our limited express trains, for two or three years; but we do not consider this means of lighting practicable for general use, at least as far as developed at this time.

In the matter of heating passenger cars, our experience with the stoves that we use has been such that we have not deemed a change necessary from the stand-point of safety.

We have, however, had the matter under consideration for the past six or seven years, with some interruptions, with a view to obtaining a more satisfactory means of heating; but we do not feel at all sure that we have solved the problem, although the progress made in our experiments with steam heating during the past winter is quite encouraging; we know of no system of steam or other continuous heating that has been so far developed that it can be pronounced a success.

(5) Improvements of a greater or less magnitude are constantly being made in equipment for the purpose of making travel on both freight and passenger trains safer; but there are none which need be specially mentioned.

(6) I am clearly of the opinion that Federal regulation of the matters under consideration would not be desirable, but do think if the Interstate Commission would from time to time make suggestions for improvements the moral effect would be good, and that it would tend to keep alive the spirit of progress.

Wherever State legislation has been had upon the mechanical appliances of railroads, the results have, as a rule, been disastrous, arising from the fact that no commission or board of experts that it would be possible to organize could decide definitely as to the relative merits of the devices which might be presented, and as to whether a chosen one would practically meet the purpose for which it was intended.

I think I am seconded in this statement by every officer in the land that has had charge of the development of railroad practice. The extreme difficulty of making decisions where radical departures are involved can be appreciated only by men who have devoted their lives to work of this or an analogous kind.

The adoption of what is known as the Master Car Builders' type of coupling is a good illustration.

For a number of years a party of men most earnestly desiring to obtain a coupling which would meet the requirements of progress labored diligently, and only within a short time have they been able to recommend to the roads they represented a type of coupling.

The interest which this company took in the matter before the convention enables me to state unhesitatingly to your Board, that I do not believe the results would have been as soon reached through either Federal or State action.

The Board may safely assume that the important trunk lines will ad-

vance in all matters relating to the safety of life and limb as rapidly as their experiments and investigations will warrant them in making changes in existing methods.

It further follows that the self-interest of the smaller lines will make it imperative to adopt the improvements agreed upon by the trunk lines.

Further, the laws of many States exonerate railroads in case of loss of life, injury, or damage to property only where the latest-known improvements for preventing the same have been adopted, and the existence of such laws is a powerful factor in stimulating railroad officers to look carefully into the questions of safety in every particular.

There is another phase of this question, which has not, to my knowledge, been considered by any railroad commission, neither is it implied in the circular of the Federal Commission, namely, the quality of material used in railroad structures, roadway and rolling stock.

Should legislative action be deemed advisable for such matters as couplings, heating, etc., it would be as pertinent to extend such legislation and prescribe what kind and size of material should be used for car-axles, wheels, rails for the road-bed, and that used in bridges; as, probably, the safety of life and property is more affected by these latter items than by those mentioned in the circulars, yet no commission could possibly venture to prescribe in these latter cases.

The Interstate Commission could do much toward disseminating information upon various subjects relating to the accidents on railroads and the causes of same by having it prepared in a proper manner and forwarded to railroad managers.

To be more valuable, this information should be very accurate, and if made so, railroad people would be very glad to have the data.

It would be an education to them in presenting facts derived from various conditions of service, and would call their attention to matters which are the most important to remedy.

Some of the States already have reports of this kind, but they are not compiled and are of no assistance to railroad officers.

A few railroad newspapers have undertaken to collect information of this kind, but with indifferent success.

If the Board will undertake a work of this kind, accompanied by any suggestions or observations which may come to them and give it free distribution, it will unquestionably be of practical use, and such communications would be well received by railroad companies.

This will be better than any attempt at Federal legislation, telling railroads to use this or that device. \* \* \*

FROM M. N. FORNEY.

[Published in the June number of the Railroad and Engineering Journal.]

[Condensed.]

The Interstate Commerce Commission has issued a circular which may be regarded as the first reconnoissance in a contest which will probably last for some time, and may be exciting before it is ended. At present there are probably 2,000 railroad employes killed and 10,000 more or less seriously injured annually on the railroads in this country. That railroad companies and their officers will resent any interference which will compel them to give greater protection to the lives and limbs of their employes may be expected. Not that such officials have less humanity than any other class, but mankind generally, and especially that part if it which is placed in official position, is prone to make



for itself little puddles of prejudice, ignorance, and indolence in which it loves to wallow, and is quite sure to resist being disturbed, no matter how urgent the reason is for doing so.

The fact that traffic is now not only national but international; that cars from California may be found in New Brunswick, and that those whose home is near the Halls of the Montezumas—metaphorically speaking—are at times sheltered under the ramparts of Quebec, is reason why the question of railroad safety appliances can not be adequately controlled by local State commissions, but should be under interstate or, perhaps, international authority.

To secure the adoption of uniform safety appliances all over the country is a very big contract, and the difficulties in the way are very great. In the first place, it is not easy to know what should be done. Who is there who would be regarded as adequate authority for saying what coupler will save the most lives and be the least dangerous? How should dead-blocks, ladders, steps, running boards, “grab-handles,” etc., be arranged so as to give the greatest protection to life and limb? With the multiplicity of methods of heating and lighting cars, which one should be used? And as those arts are still in the evolutionary stage, if one of them is the best now will it continue to be the best? To say authoritatively which is the best will require a bureau of railroad engineering, and then the responsibility will be transferred from the railroad companies.

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A very full investigation of the question of legislation with reference to railway accidents was made by a commission appointed by the British Parliament in 1874. This commission made an elaborate report in 1877, which, with the evidence submitted, forms a volume of more than 1,200 pages. It is full of interesting and valuable information. It contains a great deal of testimony bearing upon the question of legislation for the prevention of railroad accidents. Some of the evidence was given by T. R. Farrer, esq., permanent secretary of the board of trade, and by Captain (now Sir Henry) Tyler, who for a long time was an inspecting officer of the board of trade, which in Great Britain exercises more or less control over the railroads of the kingdom. A considerable amount of inquiry was made by the commission with reference to the advisability of enlarging the powers of the board of trade for the prevention of railway accidents.

\* \* \* \* \*

Both the witnesses named were strongly opposed to any, or at least favored very little, extension of the power of the board. Their testimony with reference to the limits of government interference with railroad companies may, therefore, be accepted with more confidence than it could be if those who gave it sought an extension of their authority.

In a “memorandum” on the expediency of creating additional powers for the prevention of railway accidents, after referring to the fact that some companies had not readily adopted improvements in railway construction, Captain Tyler said:

At the same time it is to be observed that during the past five years such improvements have made much more rapid progress than during any previous period of railway history. The series of annual general reports on accidents, in which all the causes have been minutely analyzed and all the remedies carefully set forth, has been mainly instrumental in producing this effect. The weak points on various railway systems have thus been demonstrated. \* \* \*

If only the same process be continued, the same care be taken, and the recommendations found necessary be persistently and publicly made in the same way from year to year, similar beneficial effects may be expected to accrue in future years with con-

stantly accumulating force, and the railway system of this country will attain generally a very high degree of efficiency in all respects, including matters appertaining to public safety.

The companies have in this way been induced, under the stimulus of official recommendation, backed by well-informed public opinion, themselves to carry out improvements in construction, appliances, or working, in the success of which they were mainly interested. They have satisfied themselves of their utility before adopting them, and have employed them on their own responsibility. They would not have the same interest in the successful working of improvements forced upon them under the orders of a tribunal, and many other disadvantages would be experienced in the application of any other form of direct compulsion. The companies would be partially relieved from their responsibilities, further invention and improvement would to some extent be discouraged, and undue responsibility would inevitably be thrown upon the tribunal. So long as railways are in the hands of companies, working for a profit, they must be managed by the officers of those companies. The directors and officers being directly exposed to the influence of public criticism, a more powerful effect may thus be produced on them than that which they feel from any pecuniary obligations which they may or may not incur in cases of accident. But if, in working their various systems, under different conditions and in different localities, they were subject to the direct instructions of a general tribunal, they would then be able to plead in the event of an accident that they had not been called upon to provide the means by which it might have been avoided. The responsibility might thus be thrown back upon the tribunal, and public opinion would be diverted, with the eager assistance of the legal advisers and officers of the companies, toward the proceedings of the tribunal, which would be ill able to defend itself, and would be exposed from time to time to the obloquy of not having been sufficiently active in requiring improvements in various parts of the country by means of which serious accidents might have been avoided. The tribunal, helpless as to any control over the actual working of the railways or the discipline maintained among the servants of the companies, would, when thus attacked, become, in self-defense, more and more exacting, and its tendency would be to err in the extreme of excessive interference. Its end would be ignominious, under a joint and hostile outcry from the companies and the public. It would be accused at once of meddling mischievously and of not interfering sufficiently, and would fall under the imputation of inefficiency and want of judgment as accidents occurred to afford, rightly or wrongly, opportunities for angry criticism. Questions of compensation to injured passengers would also be materially complicated, as blame was bandied backward and forward between the tribunal and the companies.

There would, of course, be the greatest difficulty in determining the amount of interference which such a tribunal should exercise. There are many well-recognized requirements; if the tribunal had power to enforce any of them, it should enforce them all. It would be almost impossible to draw a line. On the discovery of any new means of safety, real or supposed, the tribunal would have power to enforce its adoption. If it should turn out to be less successful in practice than was expected, or if it should in some unforeseen way lead to mischievous results, the position of the tribunal would not be improved, and an outcry at one time for the universal adoption of some particular improvement might be succeeded by another outcry at some other time for its abolition, or for some other improvement in place of it.

Looking to the history of the past five, ten, and twenty years, respectively, it will be seen that improvement, which has been more or less gradually progressive, has also advanced more rapidly within the shorter periods, and it may be taken for granted that further improvement will continue to be made in almost every branch of railway construction and apparatus. While recommendations, as at present made, may be general, and may deal with principles, any attempt to compel companies to adopt them would necessarily deal with specific apparatus. The requirements enforced by any tribunal would, therefore, be specific, and the tribunal would be obliged to prescribe the particular appliance and apparatus to be adopted, or, in other words, to decide between competing inventors on the respective merits of their inventions. What was considered to be the best at a particular period would be insisted on for application on all railway systems, and its general adoption would tend to act as a bar to future improvement.

In giving his testimony, Mr. Farrer, the secretary of the board of trade, submitted in writing a short outline of what had occurred to him on the subject of the limits of government interference with railway companies, from which the following extracts are made :

(1) The railway companies have no right to object to any interference requisite for securing the public safety. They have a monopoly of public traffic, and are bound to do whatever is necessary for that object.



(2) Nor is it necessary to argue that railway administration is perfect. It may be admitted that, though their business is in general well and ably conducted, they are sometimes poor, sometimes niggardly, sometimes slow, and sometimes obstinate. Railway companies have also some of the defects of public departments in the size and cumbrous character of their official machinery, and in the remoteness of the bearing of the important motive of self-interest on the directors and managing officers. \* \* \*

(5) But after all these admissions, general interference with the administration of railways is objectionable on the following grounds:

(6) By such interference you are setting two people to do the work of one. Double management is notoriously inefficient. One bad general is better than two good ones.

(7) You set those who have less experience of management and less personal interest in the result to control those who have more.

(8) Control is either apt to become formal and a sham, or if zealously and honestly exercised, to be rigid, embarrassing, and a hindrance to improvement.

(9) Many excellent things, the adoption of which is desirable for public safety—*e. g.*, the block system, interlocking points and signals, efficient brakes, properly constructed ties—are not things which can be once for all settled, defined, and prescribed, but things of gradual growth, invention, and improvement. Had any of these been prescribed by law at any past time they would probably not have been what they are now, and were they now prescribed and defined by law future improvement would be checked. This is a most insidious form of evil, for we do not know the good which we thus prevent. It is no answer to say that government control would be intelligent, and would encourage improvement. It is not government or its officers who invent and adopt inventions, and those who do so are far less likely to improve when Parliament or government has defined and prescribed a definite course, the adoption of which frees them from responsibility. \* \* \*

(12) Lastly, it is impossible to maintain at the same time any general system of government control, and any effectual responsibility on the part of the companies. At present the companies are responsible to public opinion and to Parliament before which they have constantly to appear, and they are under heavy liabilities for accident and danger in courts of law. Once admit government control and these liabilities are at end. No one can find fault with a company for that which the government has sanctioned. With a system of control, even government inquiry will be useless, for the government officers would be inquiring into their own acts. \* \* \*

(15) It is scarcely necessary to add that the reasons against government control which are above advocated are entirely consistent with a thorough system of government inspection and investigation. The function of throwing light on all parts of the railway system, of investigating all alleged dangers, whether accidents have happened or not, and of ascertaining the true cause of accidents which do happen is one which the government can exercise with the utmost possible advantage and without fear of dangerous results. It is one which is useful to the companies, for it points out to them real sources of danger, and relieves the public mind where there is unfounded apprehension of danger. It brings to bear on the companies the powerful motives of fear of public opinion, of parliamentary pressure, of apprehension of loss of traffic, and of legal liability for damages. And it does this without ulterior ill consequences. It is because these forms of remedy are in reality of very great efficacy, and because they are inconsistent with government control, that I deprecate the latter.

The board of trade, the secretary said, had relied more upon public than upon any legislative action, and as he took occasion to say further, "they have thought that whereas it was not expedient as a general thing to interfere with the working or management of railways, it was the business of the government to throw light upon everything which occurred on railways and upon the causes of accidents."

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The trouble lies in knowing just what ought to be done. There ought not to be much difficulty in having a law passed compelling railroad companies to use a certain kind of coupler, if it could be made clear to Congress that its general adoption would be instrumental in saving lives and limbs, without incurring other equally or other more serious evils. Here is where the difficulty comes in. The Congress ought not to compel the adoption of automatic couplers or steam heating for cars, nor continuous brakes for freight trains, without knowing that it is practicable to use them, and that the ends sought will be accomplished thereby. To



illustrate the danger which lies in this direction, it may be said that only a few years ago, when the adoption of automatic couplers was made compulsory by legislation, one company adopted a form of coupler and applied it extensively to its cars, which afterwards proved to be a complete failure. The company wasted many thousands of dollars, and no good was accomplished. The managers of the line referred to, after investigating the matter, made the mistake of recommending the coupler which was adopted. The Interstate Commerce Commission ought to have full power to make investigations into the causes of accidents, and make these causes public, and for the present such powers would be their strongest weapons which they could wield with little danger to themselves but with much benefit to the public, and without seriously antagonizing the great power and the influence of the railroad companies against their beneficent work. The time may come when compulsory legislation may be demanded, but there is great danger in the exercise of such power. To give authority to enforce the adoption of safety appliances would, in the present state of our civil service, almost certainly lead to corruption. Such power would be an invitation to bribery, and many of the promoters of patented devices would be only too ready to blind the eyes and pervert the judgments of any or all who could exercise it.

There are some precautions for the safety of railroad employés, such as a maximum and minimum height of draw-bar, a standard form of wheel tread and flange and width of gauge of wheel, the form, proportions and height of dead-blocks, and a minimum clear space between cars when the dead-blocks are in contact, which certainly should be generally adopted; but a distinct recommendation of these, and the fact that the neglect to act upon such a recommendation would incur more or less legal responsibility for injuries to employés, would for the present, at least, be authority enough. To compel all the railroad companies of the country to adopt some system of steam heating for cars, continuous freight car brakes, automatic couplers, and improved signals would involve the expenditure of many millions of dollars, and would bankrupt some of the weaker lines. The consequence would be, if it had the power to compel the adoption of such appliances, that pressure would constantly be brought to bear on the Commission to recommend only such as the poorer roads could afford to put on.

A system of inspection which would take cognizance of over a million of cars and some twenty-eight thousand locomotives is a colossal undertaking, and in the shadow of some of the scandals which are whispered and spoken with more or less distinctness concerning the steam-boat inspection service, it would seem to be a dangerous undertaking.

There are the precedents of the working of the board of trade of Great Britain and of some of our own State railroad commissions to show how successful such agencies may be when trusted with little other power than that of investigation and recommendation, and with the duty imposed on it of making public the evils that they discover. In the light of such experience it would seem unwise to give to any "special administrative agencies" any other power to interfere with railroad companies for the purpose of lessening the number of accidents than that of investigating and reporting on such accidents and safety appliances, with authority to recommend such as are approved.

If the investigation of railroad accidents and their causes, and the efficiency of safety appliances is undertaken by the Commission, it must be done by an additional bureau; and if in addition it is to suggest what appliances should be used to prevent accidents, the personnel of

the new department should consist of technical experts. It seems as though it would be practicable to create an administrative body of this kind as an auxiliary to the present Commission, just as the Bureau of Steam Engineering and of Construction form part of the administrative mechanism of the Navy Department. An expert is placed at the head of each of these bureaus, with the requisite assistants to aid him.

In response to the Commission's circular, our suggestion then is, that a bureau of mechanical construction and operation should be created as an auxiliary to the present Commission, and with a technical expert at its head and three assistants, to correspond to the inspectors of the British board of trade, this bureau to have authority to investigate and report on railroad accidents, to test safety appliances, and recommend to the Commission such legislation as the investigations of the bureau may suggest is needed. This is as far as it would seem wise to go at present.

FROM CLEMENS HERSCHEL, CIVIL ENGINEER.

[Formerly of the Massachusetts railroad commission.]

[Condensed.]

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Safety-appliance legislation is found in the Commonwealth of Massachusetts with respect to dwelling-houses, tenements, factories, and public conveyances of the various kinds. With respect to railroads it may be broadly divided, as it affects the traveler on the highways, the passenger, or the employé with about as much legislation attempted in behalf of the one class as the other, though, for reasons to appear presently, freight-train brakemen have probably profited less, up to the present time, from legislation enacted in special behalf of their well-being and safety than has any other class connected with or affected by the operation of railroads.

Such legislation affecting wayfarers has been the act enjoining railroad corporations to put a bell (weighing not less than 35 pounds) on their locomotives (1835), to place sign-boards at grade crossings (1835), and so on down to the present day. As affecting passengers, we have had the act holding railroad corporations "to furnish reasonable accommodations for passengers, with reference to their convenience and safety" (1849), specifying the kind of illuminating oil which might be used in lighting cars (1868 and 1872), requiring the use of safety switches in the main tracks (1871), and so on, down to recent legislation with reference to heating and lighting cars. Many enjoined safety appliances, and rules acting in the interest generally of a safe operation of the railroad, inure to the benefit of both passenger and employé; such as all legislation which looks to the safety of trains of cars as such, to the prevention of collisions at railroads (1855) and other grade crossings, to examinations for color blindness, and others. But as affecting the safety of employés alone, there has been the act requiring bridge guards on either side of overhead bridges (1869), (to warn freight brakemen of their approach to and under an overhead bridge), that requiring the blocking of frogs, switches, and guard-rails (1886), (to prevent employés accidentally tripping up or getting their feet jammed and firmly held while walking on the tracks), the recent acts and resolve looking towards the introduction of automatic freight-car couplers, and other such legislative action.

Palpably, all legislation of the kinds enumerated might be classed as proceeding on the lines of a paternal form of government; and while I am prepared to make an argument showing evils brought in its train, I could also make one showing the benefits conferred by it upon the parties affected.

I am not prepared, however, to set my wisdom above that of the general drift of opinion for so many years past, and in existence to-day, and I therefore hold, and must hold, that the balance of advantages and disadvantages is in favor of the class of legislation alluded to; that it confers a greater good upon a greater number than would an abstinence from such legislation; that the general effect, therefore, has been a good one.

Undoubtedly the most potent agency in rendering active, or in enforcing, such legislation in Massachusetts, has, for the last twenty years, been the existence of a Board of Railroad Commissioners, composed of men from the walks of life most in keeping with the various duties developing upon the Board, and armed with only advisory, not mandatory powers; as also with those necessary for their examining into complaints, and the making of independent investigations. To express my own estimate of the proper work for such a board in the line of introducing improved appliances (and I will state that it is derived from my personal experience on the Massachusetts board) I should say that its duties should consist in the main in encouraging or urging the laggards to keep abreast of the leaders, in the natural reaching out and struggle constantly and inevitably going on for the attainment of perfection. Herein will always be found an ample field for work; and success in such endeavors will materially raise the standard of railroad construction and of operation in any one State, or in the United States.

I believe the work of the Massachusetts railroad commissioners has had such an effect in years past, and tends in that direction at the present day. And I hold that an agency for like purposes, and constituted and equipped in a similar manner, should have for its field of operation the railroads of the United States. But, more than this, an agency endowed with this broad field of jurisdiction has become absolutely necessary, unless we be content to have the good work above described come to a stop in certain directions. State boards of railroad commissioners are nigh powerless, for example, in dealing with the automatic freight-car coupler question; for the reason that freight cars are interchanged between the railroads of the whole United States; similar with regard to freight-train brakes, and generally with all matters relating to freight cars. In some degree they can control matters affecting the passenger service where cars run generally through only two or three States. But even here a central power of some sort, be it only mildly advisory, is much needed for the establishment of uniformity of couplings, and of other mechanical details. To illustrate, take the simple matter of bell-cord. It has often been suggested to substitute for it a line of electric-bell wire, so as to be able to signal to the runner from any car by means of the ordinary push-button; as taking up less room in the car; avoiding the smashing of lamps and danger or injury to passengers when the cord is accidentally and quickly hauled through the car, which sometimes happens; and as a better method of intercommunication in other respects. Nothing stands in the way of its general introduction but the lack of some standard connection between the ends of the bell-wires from car to car. And it can hardly be claimed in the case of so simple a mechanical appliance that any efficient connection of this sort could not be designed, un-



fortunately, of about equal value, comparing one with another, mechanically and otherwise. But some central authority should be able to speak the decisive word in the establishment of the *standard* bell-wire coupling—upon which, further details could well be left to their natural development.

This, again, is the precise situation with regard to passenger-car heating, except that the matter of a standard car connection becomes here one of greater mechanical difficulty. But a competent central authority could readily aid, encourage, or influence the establishment of the standard steam coupler; upon which, the heating of cars, in itself, could again be left to natural developments; aided and encouraged, where need be, until the most conservative and inert had progressed within a reasonable measure of the standard set them by the progressive and the active.

Uniformity is at times of extreme value where no invention whatsoever is called for; yet it is attainable—worse than that, should it once be attained, may be maintained—only by the influence of centralized authority. To illustrate, take the matter of a uniform height above the rail level of the freight-car draw-bar. This is a matter seriously affecting the safety of freight-train brakemen, and must precede or accompany the establishment of the standard automatic coupler. It has been sought to be established for many years, and a multitude of accidents have resulted each year from the lack of it; when the authority of some legally constituted central advisory body could probably have established it long ago, and within a twelve-month from the issuing of a mere recommendation that this standard height be thus and so; especially if such mere recommendation be reinforced by the knowledge, previously inculcated, that failure to comply with recommendations of the Commissioners, generally brought in its train compulsory legislation of a kind that was more expensive to comply with than was the original recommendation; and other mild, indirect, yet efficient means to effect a compliance with reasonable requirements of this sort will readily suggest themselves to the wise and the experienced.

I come therefore to what I consider the most important of the stated matters for discussion in the circular of the Commission; viz, the eighth, which reads as follows:

If Federal legislation be expedient, what special administrative agencies, if any, should be provided to carry it out? Whether Federal inspection should be attempted, and to what extent and how? Whether a board should be created after the analogy of the steam-boat inspection service? If so, how such a board should be constituted in regard to the number and character of its members; what its powers and duties should be; what its connection with other branches of the administration.

This I have called the most important of the stated matters for discussion, because I believe that without the establishment of a Federal administrative agency, to carry out Federal legislation in the line of introducing safety appliances on the railroads of the United States, their introduction in the passenger, and particularly in the freight car service, will either be retarded for scores of years, or will be rendered attainable only at an enormous cost. Consequently, without treating of the establishment of such a Federal agency, this discussion could not have that potency for good, which, to my mind, alone justifies it.

Whatever may be the truth in the never-ending discussion as to the relative merits of centralized and of confederate forms of government, whatever their respective capabilities for good in the sociological and political world, this truth is plainly written on the face of the progress of events in the mechanical world; that there is a constant, universal

craving and a striving for uniformity, and that it alone is capable of conferring a maximum of the benefits to be derived from inventive skill upon mankind. A central authority in the interests of attainment of such uniformity in mechanical matters, need not, therefore, arouse the opposition of the votaries of any school of sociology or of politics. To favor it, would only be acting in conjunction with the natural, onward march of events; to oppose it, is only to delay the final consummation, or to cause a very great waste in the process of its accomplishment.

There is, indeed, a palpable, an irrepressible, conflict between conservative notions of State lines; for instance, the progress of the inventions. Let us consider, for example, the fading of State lines already accomplished in the public mind, as brought about by the ever-growing use of through express trains, and the amalgamation accomplished by that use, not to speak of the effects of that latest marvel, the long-distance telephone. Let us consider the absolute necessity for a proper service by means of which a person can talk at any hour of the day or night, from Holyoke, Mass., for instance, to most of his friends in Boston, New York, Philadelphia, or in Buffalo, soon in Chicago, that such telephone service should be controlled throughout the United States by one company, or at least by one governing, executive power.

Thoughts, such as these, will reconcile anyone, it seems to me, to ideas of centralization in mechanical matters, or to the idea of one central authority having at least some measures of potent influence, or of authority in the operation of that mechanical feature of modern life, the railroads of the United States.

But I do not believe that this central authority should have its work closely prescribed to it. It should not, as it seems to me, be instructed whether to inspect railroad rolling stock or not; it may be authorized to do so; but, speaking in general terms, its work should form itself and grow with the needs of its own day and generation. There is to-day a demand for uniform freight-car brakes and couplers—let the board primarily attend to this demand. Other work will come to it in due season, or is even now waiting to be taken up. Such work as respects the freight-car service is wanted not only in the interests of a better freight service, but mainly, or most glaringly, in the interests of humanity—to diminish needlessly, criminally, large losses of life and limb among freight-car brakemen.

They are the main sufferers to-day from their repressible contest above spoken of, between the striving for uniformity in the mechanical world, which interchanges freight-cars between Oregon and Massachusetts, and the conservative political ideas of the fathers, which fain would deter from causing a central authority to make all those cars of a uniform and of the most approved mechanical structure. In the passenger service, the power of mighty potent monopolies, has mitigated this conflict. And with the less extensive interchange of passenger-cars, it never could be so fraught with danger to passengers and employes as it is to freight-train brakemen. With these the evil here referred to is, and for many years has been, a great one. The facts already before the Commission render it unnecessary to detail here the horrid tale of men killed and maimed, for lack of a mere, small element, awaiting incorporation into our social organization.

To describe it again, this lacking element, is some general legislation, and the establishment of an administrative authority, looking towards the attainment of uniformity in freight-car construction and equipment. I hold the existing evil to be so manifest and so great, that a fair representation of it will probably be sufficient to make converts to meas-

ures for its removal. Single corporations, commissions, or individuals cope against it in vain. It is brought forward for Congressional action, and as a measure of humanity (to freight-train brakemen), and as such should conquer, be the technical, political objections to it what they may.

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FROM CHARLES PAINE, OF PITTSBURGH, CIVIL ENGINEER, ETC.

[Condensed.]

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I ask the attention of the Commission only to replies to the sixth, seventh, and eighth questions.

(6) Federal legislation is very desirable to secure an approach to uniformity throughout the country, and as a guide to State legislation, which will doubtless be largely influenced by wise Federal legislation. Such legislation should be confined, at least for the present, to the most general enactments, constituting a commission or board, defining its powers, its duties, and its compensation.

Subsequent legislation could be had upon the recommendation of the board, by whom judicious laws could be matured better than by Congress. Generally, laws relating to technical matters can not be framed elastic enough to meet varying circumstances without considerable previous experimenting; but the rules laid down by a board will admit of more frequent amendment and of quicker adaptation to new circumstances or new discoveries. Consequently, the board should have authority to make rules of a general character, stating the conditions which must be fulfilled by the devices which shall be adopted for the safety of trains and of employes of railways, taking care to avoid, so far as possible, rulings in favor of any special device. The board should also have authority to appoint inspectors to investigate and report to the board upon accidents, or upon any other matters which, in the opinion of the board, it is desirable to have investigated, in the interest of the security of life and property upon railways; but I think such inspectors should have no authority except to require the attendance of witnesses and the production of books and papers.

An excellent example of the mode in which the board could perform its important and delicate functions is furnished by the circular of the board of trade of Great Britain, addressed to railway companies, dated August 30, 1877, which may be found printed in the Blue Book, entitled, "Return (continuous brakes) by the railway companies of the United Kingdom for the six months ending the 31st of December, 1888," page 121. These general rules were so carefully and so intelligently drawn they have served their purpose until this day, in spite of the great advances which have been made in the perfecting of railway brakes. They have been copied, or adopted in entirety, by nearly all the governments in Europe. They admit of any reasonable diversity in experimenting, but they point directly towards the most perfect achievement of the end proposed.

(7) In addition to the subjects of legislation referred to in the seventh question of the circular, viz, couplers, train-brakes, car heating, and lighting, the matters most in need of help by legislation are block-signaling and the interlocking of switches and signals.

The experience of Great Britain confirms that of the United States, where it is seen that it is only the most imperative necessity which will



lead railways to fully adopt the best safety appliances, or indeed any, for these purposes; because the technical knowledge of the boards of direction, who control the expenditures upon railways, is too limited for them to appreciate the immense importance to the safety of the public of such devices, most of these directors having scarcely seen or even heard of such apparatus.

The necessity of paying interest on bonds and dividends to stockholders is naturally much more pressed upon their attention, since their especial business is the profitable employment of capital. Advice upon matters of improvement in technical details is the last which they are likely to ask for, or even listen to respectfully if volunteered by the railway experts in the employ of the corporations. Of course to this there are some notable exceptions, not many.

Searching investigations into the causes of accidents by an intelligent and unprejudiced board would give valuable and sufficient information on these subjects to directors and to juries; and juries are such efficient administrators of the law, when once well informed, that the Federal board could rely upon them to give effect to their rulings without asking for the board any executive powers. At the present time there is no standard of efficiency by which the courts can be guided; that standard is a matter of proof in every case of personal injury, and it depends more upon the acquaintance of the prosecuting attorney with the details of railway operations than upon anything else whether the court becomes properly informed as to the correct standard, or best standard of practice, or not. If rules defining the standard of efficiency to be adopted by the railways were framed by a Federal board in reference to couplers, train brakes, heating and lighting, and also as to block signaling and interlocking, the railways would at once find their account in attaining to such standards; as to which there need be no difficulty nor long delay, since such appliances exist and are already in practical use in considerable variety, not only abroad, but in this country, on the best roads.

(8) No doubt it is towards the saving of lives and the limbs of railway employes that the first attention of the board should be directed, and it would be quite proper for Congress to enact by law that, after a not remote date, it shall be unlawful for employes of railways to go on top of any train while it is in motion. After train-brakes operated from the engine are in general use, the presence of men on top of freight trains will be as unnecessary as now upon passenger trains. When these advances have been required, the legislature should also provide that no railway shall be required to handle the cars of any other railway after a fixed future date, unless they conform in all important respects to the rules of the Federal board.

This board should be an independent body, to be composed preferably of one civil engineer, one mechanical engineer, and one patent lawyer. Such a board might have authority to require from railways reports of all accidents and other matters bearing upon the safety of persons and of property.

FROM G. W. RHODES, SUPERINTENDENT OF MOTIVE POWER OF THE CHICAGO, BURLINGTON AND QUINCY RAILROAD.

(2.) The prospect of a uniform and safe coupler coming into general use in our opinion is very favorable. Those conversant with the careful and thorough work done by the Master Car-Builders' Association feel entire confidence in the wisdom of their recommendation. The

Master Car-Builders' standard is not a new device. The principle of the vertical plane being the simplest method of doing away with the evil and dangers growing out of slack in couplings was years ago recognized and at once superseded the link and pin on passenger trains.

The Burlington brake tests, fortunately, were in progress while this question of couplers was up, and demonstrated in the strongest possible way that with power brakes in use couplers without slack were absolutely essential. The standard coupler is making good progress on some of the principal railroads and will make more headway as its merits become more fully recognized.

(3) Continuous train brakes are making, in our opinion, as much headway as is desirable. The first essential has been carried out viz, an exhaustive test in order to fully determine the practicability of the various devices placed on the market. The Burlington brake test, carried out in 1886 and 1887 under the auspices of the Master Car-Builders' Association, has eliminated from consideration inferior devices which are making considerable headway on different roads throughout the country. The importance of a good foundation gear as one of the first steps towards the successful introduction of automatic brakes is realized and its solution is now intrusted to a committee of the Car-Building Association. In our opinion it will be exceedingly difficult to ever do away with brakemen traversing the tops of cars. Brakemen's duties constantly require them at various places on the train. Their natural instincts will always prompt them to take the easiest road, which is by long odds on the tops of cars.

(4) Heating is making fair progress, though last season was unfavorable to making tests, owing to mild character of winter. A system that may do very well in mild weather would not answer at all in cold weather. In our opinion, whatever method of continuous heating may be adopted, it will be a matter of prudence to have a stove also in the car as an auxiliary in case of the failure of continuous heater.

For lighting cars we consider the present 300-degree oil quite safe; there has been no case on record that we are aware of where a train has been set on fire from the lamps with 300-degree oil.

(5) We have nothing special to say in reply to question 5. We are of the opinion this question would have been better had it been more specific as to what is meant by other safety devices.

(7) It is extremely doubtful whether either Federal or State legislation on such subjects will produce good results. Constant improvements are being made in all safety appliances, and the railroads may, we think, safely be trusted to do whatever their circumstances will permit in the direction of adopting the best methods. They are constantly in consultation for this purpose, and with most of them the application of the best known safety appliances is only delayed by a lack of means to pay for them. In many cases this very lack of means is caused mainly by legislation. When the railroad train of to-day is compared with that of thirty years ago, either in respect to comfort, speed, or safety, it will doubtless be granted that as much progress has been made as could reasonably be expected, and we see no reason to doubt that their progress will continue from natural causes and by natural methods, and that legislation, either State or Federal, would probably retard more than it would hasten the application of proper standards.

## CIRCULAR OF THE COMMISSION REGARDING AUTOMATIC FREIGHT-CAR COUPLERS.

APRIL 1, 1889.

DEAR SIR: In view of the large number of accidents to railroad employes which occur in coupling and uncoupling freight cars, and of the general belief that these accidents can be greatly diminished by the adoption of suitable automatic appliances, the Commission desires to obtain fuller information regarding the couplers now in use, and to have the benefit of the experience of those directly engaged in building and operating freight cars, in forming an opinion as to what, if anything, is required of legislation. Your answer to the following questions is therefore requested:

I. (a) What number and proportion of the freight cars owned or leased by your road are equipped with some form of automatic coupler? (b) What forms are in use and how many cars are fitted with each? (c) Please state briefly what you believe to be the advantages of the automatic couplers in use by you.

II. (a) Which of these couplers, if any, belong to the standard type adopted by the Master Car-Builders' Association? (b) Which can be conformed to that type? (c) Is your road taking or contemplating any action towards the adoption of the Master Car-Builders' coupler? (d) If there are obstacles to such action, what are they?

III. Is it your opinion that a single type of automatic coupler should be aimed at, each form of which couples with every other form, or are there practical reasons which, to your mind, make two or more independent standard types preferable? Please state the considerations upon which you base your opinion.

IV. What bearing would the adoption of a standard coupler have upon the more general use of train brakes?

V. Is it your opinion that the use of good automatic couplers tends, by lessening shocks or otherwise, to diminish the number of that particularly fatal class of accidents caused by falling from trains or engines?

The Commission specially invites any observations that your experience may suggest on the general subject. Comparative statistics bearing upon the question will be of especial value.

Very respectfully,

EDW. A. MOSELEY,  
*Secretary.*

Replies to this circular were received from the master car-builders of nearly all the larger roads. From these replies and also through the courtesy of manufacturers, whose statements, however, were for the most part confidential, a very complete idea was gained of the progress made by the master car-builders' type of coupler. The total number of freight cars equipped with these couplers is about 30,000. The following roads have five hundred or more in use:

	Cars.
Atchison, Topeka and Santa Fé and controlled lines .....	2,559
Atlantic Coast Line .....	750
Cleveland, Columbus, Cincinnati and Indianapolis .....	1,600
Chicago, Rock Island and Pacific .....	1,500
Lake Shore and Michigan Southern .....	500



	Cars.
New York, Lake Erie and Western .....	3, 732
New York Central and West Shore .....	2, 090
New York, Susquehanna and Western .....	500
New York, Ontario and Western .....	500
Pennsylvania system .....	7, 260
Richmond and Danville .....	2, 250
Western New York and Pennsylvania .....	1, 000
Private owners .....	1, 289

The following is an extract from a letter from Mr. E. B. Wall, of the Pennsylvania system, beginning with his answer to the third question :

Three. I am opposed to two or more types. I know that such action is favored by some roads. None of the indorsers, so far as I know, are connected with the larger systems. The argument advanced for two types is that the "Master Car-Builders'" type is more expensive than the automatic link and pin coupler, therefore there should be two types, the "Master Car-Builders'" and the automatic link and pin. I consider that the link and pin method of train connection embodies certain very serious objections that should not be perpetuated. It has been proved by careful experiment that it is impossible to operate automatic train brakes with the link and pin connection. For proof of this statement I would refer you again to the reports above, and also to the report of the brake committee of the Master Car-Builders' Association, found in the proceedings of the twenty-first annual convention, page 25. A coupling can not be as readily effected between a car equipped with the automatic link and pin coupler and a car equipped with the common link and pin drawhead as between two common link and pin drawheads, unless the trainmen are especially instructed, such special instructions are not practicable in the large interchange of cars now prevailing in this country. It is also more hazardous to couple an automatic link and pin coupler to one of the "Master Car-Builders'" type than to couple a common drawhead to one of the "Master Car-Builders'" type. It is generally considered among the larger roads, and many of the smaller ones, that in making the change to a new form of train connection we should secure the greatest possible number of advantages at once. This would not result if an intermediary form of coupler like the automatic link and pin were sanctioned.

Four. The adoption of an automatic coupler would have no bearing on the general use of train brakes, unless such standard coupler was the "Master Car-Builders'" type, as the "Master Car-Builders'" type, so far as we know at present, is the only kind of coupler that dispenses with loose slack in the train connection. It substitutes for loose slack, spring slack. The distinction between these two different forms of slack is very important. A long train can not be started unless the locomotive is enabled to initiate the movement of the cars separately. More cars can be started with spring slack than with loose slack. This is accomplished by first backing the locomotive against the train until all of the slack is taken up. Then when the locomotive pulls out, the compressed springs assist the movement of each successive car. In starting very long trains, it is sometimes advantageous to apply the hand brakes on the rear cars of the train. This was shown in the Burlington brake trials. When there is loose slack as either in the common or automatic link and pin draw-bar, the tendency of the cars to run up on the locomotive when the automatic brakes are applied, except where such application is through the medium of electricity, is so great that it is impossible for the trainmen to remain on their feet

in the cabin car, and for stock in cattle cars, and merchandise in box cars, to escape damage. I believe that the general adoption of the "Master Car-Builders'" type of coupler will have a very important bearing upon the general use of train brakes. Train brakes certainly contribute very largely to the safety of employes. They also are a great advantage in the operation of railroads. They can not be used unless loose slack is dispensed with. Therefore, the general introduction of the "Master Car Builders'" type of coupler is absolutely essential to the adoption of train brakes.

Five. I believe that the "Master Car-Builders'" coupler tends to diminish the number of accidents caused by falling from trains or engines. The spring slack provided enables the train to be started or stopped without shock. At sags or hollows where the train has a tendency to bunch, there is, with the "Master Car-Builders'" type of coupler, no violent shock, neither is there a tendency of the draw-bar to pull out, which is now so common with the link and pin coupler. This shock at sags and hollows and the resulting tendency to pull out draw-bars has been a particularly fruitful source of accidents.

Responding to the invitation for observations on the general subject, I think that the progress towards the solution of the problem of an automatic train connection is at present satisfactory. The Master Car-Builders' Association, after exhaustively studying the problem for a number of years, reached their recommendation. This recommendation was approved by the majority of roads who were members of the association. The association is made up of men in charge of car constructing and maintaining departments. These members vote on each 1,000 cars that the road they represent owns. At the convention where the report is read a vote is taken to submit to letter ballot. This letter ballot is not made until the members of the association have had an opportunity to consult with the general manager or president of their railroad. As the report on couplers was treated in this way, it represents the judgment of the majority of the railroad managers and presidents in this country. The recommendations of the Master Car-Builders' Association were also approved by the General Managers' Association at Chicago.

A large number of roads have applied couplers within this type and there are more automatic couplers of this type in service than all the automatic link and pin couplers put together. The attempts of State legislation to solve the problem have been in no case successful. It is my humble opinion that legislation by Congress on the subject at this time would be absolutely fruitless. If such legislation favored an intermediary coupler, like the automatic link and pin, it would increase the dangers to life and limb, and would retard the benefits to be gained in economies of operation. If, on the other hand, Congressional legislation enforced the immediate application of the "Master Car-Builders'" type, it would work a very serious hardship to a great many financially impoverished roads and result in the application of the cheapest and most inferior forms of couplers within the type. If the Commission after reviewing the subject could find it in its judgment to indorse the "Master Car-Builders'" type of coupler, I think that much better results would follow than could be secured by any action of Congress.

We can give evidence that the railroads of the country are fully alive to the seriousness of the question, and after a long and careful study they have reached a conclusion. They are following the results of this conclusion with commendable rapidity, and the experience thus far obtained confirms its correctness,

## AUTOMATIC AIR-BRAKES FOR FREIGHT CARS.

[By H. H. Westinghouse, in response to a request for statistics from the Westinghouse Air-Brake Company, some parts being omitted and others somewhat condensed.]

The number of automatic brakes now applied to freight-cars in this country is about 92,000; 25,000 of which were applied during the year 1888, and 14,000 have been furnished so far this year. Appended hereto is a list of the roads who have made a considerable use of brakes, and the number furnished to each one. This list is not entirely accurate, because many of these brakes have been furnished through car-builders, and we therefore sometimes are unable to get correct statements as to where the material is to be used. The total number of locomotives fitted with air-brakes is about 17,000; of which number, from 10,000 to 12,000 are used generally in freight service, although all of the apparatus furnished by this company is thoroughly interchangeable; that is to say, there is no difference in the mechanism or the operation of brakes on freight and on passenger locomotives. The same is true with reference to car fixtures, except as to form. It has been found possible to make smaller and more compact apparatus for use on freight cars. We are pleased to say that the general tendency seems to be to provide all locomotives with driving-wheel brakes, and the necessary apparatus to handle power brakes on cars. That power brakes are necessary on freight trains, is a general conviction of recent date, and some account of the early period of their use will be interesting and important, when the extent and direction of future development is under consideration.

The first application of the brake to freight trains came about naturally from the success that had been realized in its use upon passenger trains, but the attempt to use it on freight trains was the result of extraordinary circumstances, it having been thought that first cost and the absence of experience on the part of train-men in handling it were objections that more than counterbalanced the benefit to be derived. Another important influence against its favorable consideration was the interchanging of freight cars, for it was thought that the percentage of brakes which would be available for use on any one road would be too small to produce an appreciable result. To the Denver and Rio Grande (narrow gauge) road this was, however, no objection, as there was no interchange of cars, because they were entirely surrounded by standard-gauge roads. The grades on this road are excessive, and the difficulty of obtaining a sufficient number of reliable train-men formed a special inducement to them to make a trial of the air-brake in freight service. They commenced to use what is known as the straight air system in 1881, and the results were in the highest degree successful and satisfactory. During the period of the first use of these brakes on the Denver and Rio Grande Railroad the automatic brake had become practically standard upon passenger trains, and its greatly-increased efficiency and automatic features had proved to be of the utmost value, and particularly its automatic application when trains became separated by accident. At such times the brakes are applied with equal force to both portions of the train, and there is no possibility of a collision between the separated parts.

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The Central Pacific Railroad Company was the first to enter upon the application of the automatic brake to freight cars. The conditions



on this road were not unlike the Denver and Rio Grande except in the single item of gauge of track. The number of foreign cars hauled over their lines was comparatively small and the grades were very steep. They made a very general application of the brake, and it may be said that now their entire equipment is fitted with it.

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For a considerable period but little progress was made in the further application of brakes to freight cars. The principal objection raised was, that east of the Missouri and Mississippi Rivers the interchange of cars was so very great, that unless there was a general and almost simultaneous fitting up of freight cars by all the various roads, but little use of them could be had for many years. This opinion was, however, not shared by the managers of the Chicago, Burlington and Quincy road. They came to the conclusion that it would be possible to fit up a portion of their cars that were generally used in local service, and with the addition of the foreign cars of the western lines already mentioned it was believed that enough could be had to be of great service. They have acted upon this presumption and the benefits are unquestioned and unqualified. This demonstration, removed what seemed to be a most serious objection to the commencement of the general introduction of power brakes on freight trains. It may be stated as a matter of record, that on a road like the Chicago, Burlington and Quincy, on which the grades are of a kind ordinarily found throughout the country, if the locomotive and 10 per cent. of the train is fitted with power brakes, greatly better results in stopping can be had than with the ordinary train crew using hand brakes, with the great added advantage that the power is instantly available at all times, either in good or bad weather; while with the train-men only there are many times during cold or disagreeable weather in which they are not in any respect available for an emergency stop.

The introduction of power brakes on extreme western lines had assumed such proportions, that in 1886 the Master Car Builders appointed a committee to investigate the subject, with a view to determining whether existing forms of apparatus were suitable under all conditions. This was done in view of the fact that it was absolutely essential that brakes for freight cars should be of uniform construction if they were to be of general use, and before standards were absolutely fixed it was deemed expedient to examine the question from the stand-point of future requirements, as well as under the existing conditions of practice. The accounts of these trials have been published in detail, so that it is not necessary to refer to them except in a general way.

It was shown that several forms of brakes would operate on trains of moderate length, but many of these were not worthy of consideration on account of the absence of automatic action. The automatic brakes that were first tried did not prove to be sufficiently prompt to properly work the brakes on long freight trains, and while this requirement is not at present demanded in the highest degree, because it is very seldom that a freight train is supplied with cars having brakes on all of them, yet it is fair to presume that within a reasonable period of time the number of cars fitted with continuous brakes will be so greatly increased as to make it important that they should be operated throughout the entire length of solid trains.

Experiments were carried on in a thoroughly practical way upon a train of cars upon the tracks of the Chicago, Burlington and Quincy Railroad at Burlington. The ultimate outcome of these experiments was the suc-

cessful operation of the brakes in accordance with the requirements indicated by the Master Car Builders. The change is so slight that the two forms of brake are operated in the same train and by the same manipulation on the locomotive. Engineers and train-men throughout the country have been educated to understand the construction and operation of the air-brake as now in general use. Modifications that would require a new method of handling would have been most unfortunate, and would no doubt have greatly interfered with the introduction of the new form of brake. At the time the new brake was introduced, December, 1887, there were already in use about 50,000 of the original automatic brakes. A change that interfered with the operation of this large number of brakes would have been a matter of such serious injury to those who had already made their investments, that it is questionable whether they would have taken up the new form, although its ultimate advantages were demonstrated, and its success was conceded by all railroad managers who had any knowledge of the subject.

A careful review of the history of the introduction of power brakes on freight trains shows that the important element in its increased use has been the demonstration by railroads having unusual conditions of grades and location that the devices designed for the purpose were adequate, and that the claim that their use facilitated and reduced the cost of transportation is true.

While the progress towards a complete consummation has been slow, we think that the facts cited indicate conclusively that it has not been for want of proper mechanical appliances. It is our impression that the incentives which have led to the application of brakes have been in the main pecuniary, and not to any extent humanitarian. The number of employes that are injured and killed for want of power brakes is becoming so great, that from this point of view alone the subject assumes a very serious aspect, and while this is deserving of the most serious consideration, we feel that it is a matter of congratulation that, in addition to being life-saving and injury-preventing appliances, there can no longer be a doubt as to their value in operating railroads more economically than can be done without.

\* \* \* \* \*

We feel that the question as to whether our statements are or are not interested should not interfere with the adoption of some provision in the interest of railroads for testing and determining the value of brake mechanism that is intended to be run in conjunction with the apparatus that is now in general use. The experiments at Burlington clearly demonstrated the futility of anything but an extended and comprehensive test. The fact that a few brakes are tried together and seem to work well under conditions that will not obtain in regular freight practice should not be held to prove that the necessary requirements are complied with. On a train of fifteen cars what is known as the buffer brake made an extended and complete demonstration throughout a considerable portion of the eastern country, and with a train of twenty-five cars at Burlington they performed substantially in accordance with all the claims that were made for this style of brake. When tried upon a train of fifty cars the device was a complete and total failure, and yet it was only by good fortune, combined with good judgment, that the trials happened to be made so extensive as they were.

\* \* \* \* \*

The following roads have more than 1,000 cars equipped with automatic air-brakes:

	Cars.
Atchison, Topeka and Santa Fé and controlled roads .....	20,451
Chicago, Burlington and Quincy and controlled roads .....	2,261
Denver and Rio Grande .....	1,139
Duluth and Iron Range .....	1,126
New York, Lake Erie and Western .....	1,032
Pennsylvania system .....	6,035
Richmond and Danville .....	1,287
Southern Pacific .....	16,245
Union Pacific .....	15,433
Northern Pacific .....	6,788
Private owners .....	5,763

LETTER FROM E. F. O'SHEA, GRAND SECRETARY AND TREASURER OF  
THE BROTHERHOOD OF RAILROAD BRAKEMEN.

[Condensed.]

\* \* \* \* \*

I desire to say by way of explanation that our Brotherhood is but five years old and its growth has been very rapid. I have no means of knowing how many brakemen are employed on American railways, therefore I am unable to say just what proportion of them are members of our Brotherhood.

Our Brotherhood has nearly 15,000 members, consisting of brakemen, conductors, yard-masters, and men engaged in various other occupations, all of whom have been brakemen. About one-half of that number, say 7,000, are at present brakemen, and a claim for death or total disability is presented at this office every day in the year.

The whole number of brakemen is surely not less than 70,000, therefore the total number of deaths and totally disabling injuries are not less than 3,650 each year; this does not include pinched fingers, mashed hands, broken limbs, falls, bruises, sprains, etc., from which the sufferer recovers.

The question arises, "Are all of these caused by the old style of brake and couplers?" I answer, "With very few exceptions, yes."

On inclosed notices under head of "cause" you will read various causes assigned, nearly all of which can be traced to the old brake and coupler. Nine-tenths of all "railroad accidents," "railway wrecks," "collisions," etc., mentioned under those headings, could be prevented by the use of automatic brakes and couplers on freight cars, and many cases of death from consumption, typhoid fever, pleuro-pneumonia, and other similar diseases can be traced to exposure and overexertion made necessary by the old-style brake and coupler.

No reliable insurance company wants to take such risks as to insure the lives of freight brakemen, and will not do so without an enormous charge for premium, which the brakemen's meager wages will not allow them to pay. Therefore our Brotherhood is his only protection. He cheerfully pays all assessments, knowing that when his turn comes, and he always expects it, his loved ones will not be left in absolute want.

There is no longer any excuse for delay in equipping freight cars with these safety appliances, for they have been tested and found to work better than the present style. Their adoption has been recommended by the Master Car Builders' Association, and the only thing now necessary is for the different companies to act together, which they will not do unless compelled by law.



This terrible slaughter of young, able-bodied men is increasing each year, and it has come to be considered a matter of course for a brakeman to have his life crushed out beneath the wheels and his mangled remains strewn along the track. The men themselves can not prevent it; somebody must do the work; and so they make the best of it and take their chances.

If an equal number of passengers were killed and crippled each year the people and press would awaken to a realization of the situation and demand a remedy. Is not the brakeman's life just as dear to him and his loved ones as the life of any other person, and should not an honest effort be made to save him from a death horrible to contemplate? This is especially true when we remember that there is a remedy if it would only be applied.

People say, "If he don't like his job he can quit." True enough, but what is he to do? They can not all quit, and there is nothing else for them to do; besides, their places must be filled, and the slaughter would continue. The newspapers no longer consider the death of a brakeman deserving of more than a two line item headed, "Only a brakeman," and the reader passes it over and it is forgotten.

Had I the opportunity to do so, I could show you a record of death and mutilation of able-bodied young men that would make your heart sick. You would be horrified and think it all a hideous nightmare, but I can prove that it is as true as gospel. I could continue indefinitely, but it is unnecessary. I submit these facts and figures for your consideration and that of your colleagues in the hope that you will seriously consider the matter. If you do so, I am convinced you will see the need of national legislation, for State legislatures have never yet accomplished anything in this direction, nor will they do so while railroad companies wield so powerful an influence among them.

It is my firm belief that I have greatly underestimated the number of deaths and accidents and I am quite positive I have not over-estimated them. If an equal number of horses or cattle were killed each year by the cars a remedy would be applied, and I ask you in the name of humanity and Christianity to take some action in the matter. To continue this horrible slaughter when it can be so easily remedied seems to me nothing less than a crime. The men are powerless to help themselves, the railroads are slow to act, and the butchery continues.

Improvements have been made in every other direction, but not one step in this. To strike is no remedy, to quit is starvation, and to continue is death; not immediately perhaps, but inevitable if he remains long enough in the service. There is an army of cripples in this country caused by the present style of brakes and couplers whose empty sleeves, mangled limbs, stumps, and crutches mutely appeal to your honorable body to remove the cause, and the list is being increased every day.

\* \* \* \* \*

#### PETITION OF RAILROAD BRAKEMEN TO THE INTERSTATE COMMERCE COMMISSION.

*The Members of the Interstate Commerce Commission, Hon. Thomas M.  
Cooley, Chairman, Washington, D. C.:*

GENTLEMEN: We, the undersigned, respectfully petition your honorable body to take such steps as you may deem proper to bring about the adoption of automatic brakes and couplers on freight cars on the railroads of the United States.

Each of the undersigned is in actual service as a railroad brakeman or has been employed a sufficient length of time to become fully acquainted with the duties and perils of the position, and although some of us have been promoted, we most earnestly appeal to your honorable body to urge upon Congress the necessity of national legislation in this matter, that the terrible slaughter of brakemen on the railroads of this country every year may be largely diminished.

Automatic brakes and couplers are practicable; no one would be injured, and many lives and limbs would be saved by their adoption.

T. T. SLATTERY, *N. Y. C. R. R.*

E. L. BARNARD, *B. and A. R. R.*

WM. H. LYONS, *B. and A. R. R.*

E. M. HARDIE, *N. Y. C. R. R.*

*And 9,678 others.*

## APPENDIX 11.

### RELATIONS EXISTING BETWEEN RAILWAY CORPORATIONS AND THEIR EMPLOYÉS.

A circular, a copy of which is appended, was sent on August 12, 1889, to all railroad commissions, railroad journals, and press associations for information and publication, and to the officials of eighty-five leading railway corporations for replies.

It was as follows:

INTERSTATE COMMERCE COMMISSION,

*Washington, August 1, 1889.*

DEAR SIR: All facts regarding the relations existing between railway corporations and their employés are always of public interest, and may be of importance in determining questions upon which the interest of the employers as well as of the employed may depend.

The Commission therefore address to you the following inquiries, believing that you will appreciate the purpose of the call, and that you will cheerfully render any assistance that may be within your power to facilitate the gathering of the information which they are designed to elicit:

(1) Is an insurance fund or guaranty fund of any sort provided for the employés of your company on which they have a right to draw in case of sickness or accident, or from which payment may be made to their families in case of death? If such fund exists, please state in what manner it was accumulated; how it is maintained; under whose direction it is administered; under what conditions money may be drawn from it, and any other facts respecting it which you may think it important to state. If there are any contracts or other writings or printed documents which will give definite information, and which are in your possession, the Commission would be pleased to receive copies thereof. Please also state the length of time the fund has been established; the reasons which have led to its establishment, and the feeling in respect to it on the part of the employés. If no fund of the sort named exists, please state if any attempt has ever been made to establish one, to what extent, if at all, the attempt succeeded, and why it failed.

(2) Has the company eating or lodging houses for train-men when away from home or does it provide reading-rooms or other places of resort? If so, full particulars will be duly appreciated.

(3) Is any provision made by your company for technical education in your shops, whereby it seeks to train men for its service? Is there any recognized system of promotion in the service of the company whereby it may be expected the men will be induced to labor for marked efficiency? Are any special rules in force to insure the competency of locomotive engineers and other train-men?



Should your own information on any of these subjects be defective, please give the names and addresses of any persons connected with your company who may be able to supply any deficiencies.

By order of the Commission.

EDWARD A. MOSELEY,  
*Secretary.*

Answers to the foregoing circular have been made by every company to which it was addressed. Twelve out of eighty-five companies maintain insurance or guaranty funds and seventy-three do not. Of these seventy-three, however, five have hospital funds, five have benefit associations maintained wholly by the employés, and one—the Cleveland, Cincinnati, Chicago and St. Louis Railway Company—contributes \$500 annually to the support of the "Bee Line Mutual," managed by the employés; and one—the Central Vermont Railroad Company—is taking steps to establish an insurance fund. Forty-three companies provide eating or lodging houses and reading-rooms to a greater or less degree, and forty-two do not. Twenty companies provide technical education and sixty-five do not. The answers, which are substantially as follows, are arranged alphabetically, and with the name of the president, general manager, or officer of the road who responded.

#### ATCHISON, TOPEKA AND SANTA FÉ RAILROAD COMPANY.

[By Mr. A. A. Robinson, General Manager.]

A relief association was formed in May, 1887. Its object is to furnish medical and surgical attention to the sick and injured employés of the railroad companies embraced in the "Santa Fé system."

Every employé of the company is a member of this association.

There is no capital stock, the fund being supported by fees deducted from the employés' compensation, said fees varying from 25 cents to \$1, according to the amount of wages paid.

Total receipts from members—contributions and other ones—for the year 1888 were \$135,335.92.

Total operating expenses were \$115,227.25.

Total number of employés who have received relief during the year is 18,704.

We have railroad eating-houses along our line, which are required to give our train-men a rate of 25 cents each for meals. There are no lodging-houses for our train-men while away from home; most of the freight-crews occupying the bunks in the cabooses while out on the line.

As to reading-rooms, this company has eleven located at division points. Generally, rooms for library purposes are located in the stations or other buildings conveniently situated, but in several instances separate buildings are provided for this purpose.

At nearly all two good large rooms are furnished, one for reading and writing purposes, the other in which to play games. There is an average of about three hundred and fifty books at each reading-room. In most instances employés are permitted to take the books to their homes on making a deposit of \$2 with our agent, which is held by him as long as the employé continues to borrow books.

The better classes of newspapers and periodicals are subscribed to by the railroad company on behalf of these rooms.

At Topeka and Raton both privileges are furnished, for which the employés taking advantage of same pay a nominal sum.

Games—such as cards, checkers, dominos, and cribbage—are furnished, but gambling is strictly forbidden at all the rooms.

As to technical education, we employ apprentices in the different departments, and teach them the different trades in connection with the mechanical department.

Their wages are raised each year in accordance with the progress made in the work.

When we engage locomotive engineers or promote locomotive firemen to positions of locomotive engineers we examine them very rigidly as to their knowledge of the parts and working of a locomotive ; also on time-card rules, that they may be competent to handle all classes of trains under all conditions.

We recently had on our line an instruction ear from the Westinghouse Air-Brake Company.

It was in charge of an instructor, and as it moved from place to place all the employes connected with the train service had an opportunity to gain a practical knowledge of the construction and operation of the air-brake.

#### ATLANTIC AND PACIFIC RAILROAD COMPANY.

[By Mr. D. B. Robinson, General Manager.]

We have no insurance fund and no attempt has been made to establish one. We have, however, a hospital fund, which enables sick and injured employés to receive necessary medical and surgical attention free of charge. This "fund" is maintained by donations from every employé of the company ; employés receiving less than \$100 per month contributing 50 cents and those receiving \$100 or over per month contributing \$1 monthly.

We have company eating-houses at each division point, which are operated under contract, employés being furnished meals for 25 cents each. Have reading-rooms at division headquarters of operating division, with all local dailies, also dailies from principal cities and popular weekly and monthly papers and magazines ; also library of books. The expenses of the reading-rooms are maintained by the company.

No provision is made for technical education in shops.

With reference to recognized system of promotion, we have the usual "civil service," employés receiving promotion in accordance with length of time in service and capabilities for position.

#### BALTIMORE AND OHIO RAILROAD COMPANY.

[By Mr. J. T. O'Dell, General Manager.]

There is a fund provided for the employés of this company, on which they have a right to draw in case of inability to earn wages on account of sickness or accident, and from which payment is made to their families in event of death.

This fund is created and maintained by monthly contributions from employés and contributions in money and other valuable considerations by the company.

It is controlled by a committee of the board of directors of the railroad company, assisted by advisory committees elected by the contributing employés.

The Baltimore and Ohio Employés' Relief Association was established on May 1, 1880, and was incorporated by an act of the general assembly of Maryland on May 3, 1882. This charter was repealed, to take effect April 1, 1889, when the association was merged into the present relief department, which comprises three features, viz : the relief feature, saving feature, and pension feature.

The relief feature will afford relief to its members entitled thereto when they are disabled by injury or sickness, and to their families in the event of their death.

The savings feature will afford opportunity to employés and their near relations to deposit their savings and earn interest thereon, and enable employés only to borrow money at moderate rates of interest and on easy terms of repayment, for the purpose of acquiring or improving a homestead or freeing it from debt.

The pension feature will make provision for those employés who, by reason of age or infirmity, are relieved or retire from the service of the company.

All claims are submitted to the superintendent of the Relief Department, whose judgment is final, subject only to appeal to the advisory board.

There is no question as to the good feeling of the large majority of the employés toward the institution. This is evidenced in many ways, the most striking of which was exhibited on the 1st of April, 1889, when the association merged into the "department," and each member of the association was asked to become a member thereof. No difficulty was experienced in securing membership from 98 per cent. of the old association, the 2 per cent. declining being composed mainly of the switchmen and brakemen in the vicinity of Chicago.

The company has no eating or lodging houses for train-men when away from home, nor does it provide reading-rooms or other places of resort, except at Columbus, Ohio, at which point the Union Depot Company furnishes lodging for passenger conductors, brakemen, and baggage-masters, the expense of which is charged to all the roads using the depot.

It has, however, a reading-room at Mt. Clare shops, Baltimore, and a library containing 10,000 volumes of the best reading matter, together with all the best technical and scientific journals, which are always accessible.

The employés avail themselves very liberally of the advantages secured to them, and text-books and mechanical journals are eagerly sought after. Books are forwarded to the employés and returned to the library by the company without charge to those using them; but while the library-room at Mt. Clare has been open at all hours for the use of employés, and this fact has been liberally advertised, no one takes advantage of it.

A reading-room was provided at Garrett, Ind., but failed for lack of patronage. An attempt to establish reading rooms at Martinsburgh and Keyser, W. Va., was equally unsuccessful.

A system of technical education was inaugurated some years ago, but abandoned.

It is customary to make promotions from among such employés as are deserving. A rigid examination is conducted.

Dr. W. T. Barnard, of the Baltimore and Ohio Railroad Company, in an article on the relations of railway managers and employés, says:

It is not always true in the history of railroad or other corporations that the one paying the highest wages is best served. The company that is most forward in caring for general welfare of the employés, particularly in the matter of providing support for their disabled, aged, and of long service; that holds all its officials by a rigid responsibility for arbitrary or tyrannical exercise of power; that convinces its lowest servants that they will be protected against injustice, even at the hands of their highest official superiors, will soon obtain such prominence among the masses as will bring to its service the best material the market affords, though it give no more than, nor often quite so much as, others, who regard their employés only as so much material to be utilized or expended in the interests they serve.

Dr. Barnard quotes from an article of the celebrated Dr. Farr, of England, who when consulted upon the advantages of remuneration, partly by salaries and partly by provisions for old age, says in its favor:

In the first place, superannuation is a guarantee of fidelity; in the second place it encourages efficient officers; in the third place it retains good men in the service; in the fourth place it induces men to retire when they become old or inefficient for any cause; and in the fifth place it prevents old servants from falling into disgraceful dependency or distressing destitution, which would be a public scandal, and would deter desirable persons from entering the service.

Dr. Barnard says:

The writer has for a considerable time studied the relationship existing between the managers and the employés of many of our large corporations, and his observations seem to justify the conclusion that, whereas in no other business employing large bodies of labor is there a larger field for cultivating cordiality and reciprocity of interests between owners and employés than in railroading, also in no other business (except perhaps mining) have such opportunities been more neglected.

Concerning the Baltimore and Ohio Employés' Relief Association Mr. S. R. Barr, secretary, says:

The association has grown into almost universal popularity with the employés, dating from the time its practical operation began to be felt among them. This fact is



evidenced not only from the personal expressions of members themselves, but from the fact that a very large number of those leaving the service of the company retain their interest in the natural death feature; that although it was optional at the time of inaugurating the association for all persons then in the company's service to become members or not, it is difficult to find to-day any one of these old employés who is not a member, and of those who are not members nine-tenths would become such if they had not become debarred by reason of their age and infirmity.

## BOSTON AND ALBANY RAILROAD COMPANY.

[By Mr. W. H. Barnes, General Manager.]

We have no insurance or guarantee fund of any sort. There has been a mutual relief association among the employés under which they contributed \$1 or \$2 upon the death of a member of the association, but interest in it failed, and it was closed up some three or four years ago.

This company has no eating or lodging houses for their men, nor is it necessary, all their trips being so arranged as to bring them home at night.

We have no provision for technical education in our shops.

We take apprentices and teach them a trade, then employ them as journeymen, and from them we select our firemen. The journeymen we pay according to their ability. All our locomotive engineers are promoted from firemen.

## BOSTON AND MAINE RAILROAD COMPANY.

[By James T. Furber, General Manager.]

There is no insurance or guarantee fund provided by this road for its employés to draw on in case of sickness, etc. Our employés have a mutual insurance among themselves.

We have an eating and lodging house near our locomotive engine-house in Portland, Me., where our employés are furnished with meals and lodging at a very low rate.

We have a few apprentices in our car and locomotive shops. Whenever vacancies occur we permit our own men rather than employés of other roads to be promoted. Our firemen are trained to make locomotive engineers, and brakemen to take charge of trains whenever we require the services of a conductor.

## BURLINGTON, CEDAR RAPIDS AND NORTHERN RAILWAY COMPANY.

[By Mr. C. J. Ives, President.]

There is no insurance or guarantee fund provided for the employés of this company. Neither has any attempt been made to establish such a fund. We, however, encourage by every means in our power the operation of insurance companies among our men.

This company has no eating or lodging houses or places of resort for its train-men when away from home.

We have no technical education in our shops for the training of men for its service. Neither are any special rules in force to insure the competency of train-men. We have a recognized system of promotion (civil service), invariably advancing our oldest employés.

## IOWA CENTRAL RAILROAD COMPANY.

[By C. H. Ackert, General Manager.]

This company has no insurance or guarantee fund. The larger insurance companies solicit insurance among our employés, and the premiums are deducted from the pay of the employés by monthly installments.

The company has no hotels or eating-houses of its own, but at all terminal stations they have lodging and eating houses run by private parties.

No provision is made for technical education in our shops.

Promotions are made according to length of time in service and efficiency. All locomotive engineers and other train-men are examined by the superintendent or other heads of departments before they are employed.

CENTRAL RAILROAD AND BANKING COMPANY OF GEORGIA.

[By Mr. M. S. Belknap, General Manager.]

We have no insurance guarantee, the company making such payments in case of sickness or accident as they think the case merits.

The company has no eating or lodging houses for train-men.

It has no provision for technical education in the shops, except that of the apprentice system, and by the exercise of great care in the selection of material from the brightest and best young men we can secure.

To secure the competency of locomotive engineers and train-men a thorough system of examination and trial is maintained.

CENTRAL RAILROAD COMPANY OF NEW JERSEY.

[By Mr. J. R. Maxwell.]

This company has no employés' insurance or guarantee fund of any character, and no steps have yet been taken in that direction.

No special eating-houses are provided for train-men, nor lodging facilities, as they are not necessary to meet our service requirements. Reading-room conveniences are provided at principal terminal stations.

No special provision is made for technical education in the shops.

Merit and term of service is always recognized, and care is taken to insure the competency and efficiency of locomotive engineers, firemen, and train-men.

CENTRAL VERMONT RAILROAD COMPANY.

[By Mr. J. W. Hobart, General Manager.]

We have an arrangement with an insurance company to insure our men against accident, but nothing for sickness. Insurance companies have learned by experience that an insurance indemnifying persons against losses by sickness can not be made remunerative at any rate which they would feel able to pay, and all companies which have attempted this class of insurance coming within my knowledge have abandoned the project.

The insurance against accidents varies in both rate and amount according to hazard, and is so placed that men draw a specified amount for twenty-six weeks, and in case of death resulting from accident the full amount is paid less the weekly indemnity which may have been paid during disability previous to death.

This insurance has been established pending the action of our board of directors upon a proposition presented by myself to create a protective organization composed of railroad employés on the basis of a monthly tax of small amount deducted from their wages, which should be added to the amount derived from an investment of \$10,000 to be presented by the Board of Directors out of the securities of the railroad, as a nucleus around which to gather a fund sufficient to care for the sick and wounded or at death to pay a stipulated sum to the families of the deceased, also to care for the aged and infirmed.

The employés generally favor this plan of indemnity rather than insurance.

We have no eating or lodging houses on our line, but arrangements are made with hotels and boarding-houses to board our men at stipulated rates, being protected by the road in the collection of board bills.

We have no reading-rooms as such, only giving men proper rooms for their quarters. We have, however, a large railroad library, composed of scientific, historical, and religious books, as well as those of a lighter character, from which our men can draw under proper regulation. This library is much used, and is looked upon as being a great moral regulator of our men.

As to technical education, there are no provisions except to encourage them in reading such publications as treat upon technical subjects. While there is no recognized system of promotion, it is the universal rule to fill higher positions with men from the lower ranks whenever they are found competent and worthy.

When men are advanced to the position of locomotive engineer they undergo a most thorough examination by our superintendent of motive power, and other train-men are subjected to a like examination by a competent official.

CHESAPEAKE AND OHIO RAILWAY COMPANY.

[By Mr. J. T. Harahan, General Manager.]

There is no insurance fund or guaranty fund of any sort provided for by this company for the benefit of its employés. It is, however, our custom when an employé is injured in our service, whether through his own fault or not, to make allowances to him while unfit for service, the employé's condition being considered in making the allowance.

This company provides reading-rooms for its employés, and also arranges for eating and lodging houses for its train-men when away from home at reasonable rates.

We have no special provision in our shops for the technical education and training of men for the service.

We do, however, employ apprentices in the machine and car shops who are educated in that particular department. We have a recognized system of promotion which it is intended shall induce men to labor for marked efficiency.

A rigid examination of locomotive engineers and other train-men is conducted, based upon rules for the running of trains and on the handling of locomotives and their knowledge of the mechanical construction thereof. No engineer is allowed to run a train until he has passed this examination.

CHICAGO AND ALTON RAILROAD COMPANY.

[By Mr. C. H. Chappelle, General Manager.]

We have no insurance or guarantee fund of any sort on the line of this railway. No attempt has ever been made to establish such a fund.

This company has no eating or lodging houses for train-men when away from home. Such houses are not a necessity, as our line of railway reaches cities and towns having first-class boarding-houses at low rates.

We have no technical schools for the education of our men in shops or elsewhere. Our system of promotion is upon the basis of seniority and competency; other things of course being equal.

CHICAGO AND ATLANTIC RAILWAY COMPANY.

[By Mr. G. M. Beach, General Manager.]

The Chicago and Atlantic Railway has no insurance or guarantee fund provided for its employés on which they have a right to draw in case of sickness or accident, or from which payment may be made to their families in case of death.

The railway has no eating or lodging houses exclusively for their men, and no reading-rooms.

We have no provision for technical education at our shops. Our system of promo-



tion is based upon the faithful discharge of duty and capacity for increased responsibility, all employ  s being regarded in the line of promotion and advancement. All conductors, engineers, brakemen, and firemen have to pass an examination by a regularly-constituted board as to their fitness for their respective duties and the rules of the road before taking charge of their assigned duties.

CHICAGO AND EASTERN ILLINOIS RAILROAD COMPANY. •

[By Mr. O. S. Lyford, Vice-President and General Manager.]

We have no insurance or guarantee fund of any sort provided for employ  s on which they have a right to draw in case of sickness or accident, or from which payment may be made to their families in case of death. We encourage our employ  s however, to secure accident insurance in some good company.

Our company has no boarding or lodging houses, with one exception, and has no reading-rooms. Our road is not a long one, and the points where the employ  s reside or wait for trains are in large towns which have all necessary accommodations.

We have no provision for technical education, but concerning promotions and improvement of the service rules are observed.

CHICAGO AND GRAND TRUNK RAILWAY COMPANY.

[By Mr. W. J. Spicer, General Manager.]

We have no insurance or guaranty fund provided for its employ  s, but the men individually, and to a large extent, insure in the several insurance companies doing business in the State.

Our company provides accommodations for its train employ  s and mechanics at several of its terminal points in the shape of reading-rooms and also rooms for sleeping and bathing.

They also have the privilege of getting meals at our general refreshment-rooms at reduced prices.

Our system is to take apprentices in our shops, who go through a course of five years' training. Our recognized system of promotion is by seniority governed by efficiency and general good behavior. All our train employ  s undergo a strict examination as to character, eye-sight, etc., and a knowledge of the company's rules before they are considered competent for service or promotion.

CHICAGO AND NORTH-WESTERN RAILWAY COMPANY.

[By Mr. J. M. Whitman, General Manager.]

This company has no insurance or guarantee fund upon which our employ  s can draw in case of sickness, accident, etc., and no attempt has ever been made to create one, as such funds are not generally regarded with favor by the men whom they are intended to benefit. Employ  s have always been encouraged in taking out accident insurance policies, and a careful supervision has been exercised over the agents allowed to solicit at our shops, engine-houses, and among our men. This company has never, to my knowledge, allowed any worthy employ  , injured in its service through no fault of his own, to suffer.

In extending its line into new and unsettled country, this company has always provided for the comfort of its employ  s by constructing good and comfortable hotels and eating-houses, where its men could secure meals and lodging at the nominal rate of 25 cents. The company furnishes rent and fuel free. Whenever the employ  s have started such a movement the company has provided quarters for reading-rooms and always contributes liberally to the railroad department of the Young Men's Christian Association.

In the matter of training or educating men in our shops, the routine is as follows: Each foreman and master-mechanic is practically a teacher. It is our aim to take men or boys into our shops, and by putting through successive grades of the service make good, practical mechanics of them.

They are first set to work in the tool-room or as messengers for the foremen, and are used in carrying tools to and from various places about the works. This gives them the names of the hand tools and the purposes for which they are used.

From this they are set to machine work, such as that of running a bolt-cutter, nut-facer, or taper, and afterwards to lathes and planers, as their respective competency may warrant. From that, as vacancies occur or opportunity offers, they pass to the erecting floor. During this entire time the party is under pay, small at first, but gradually increasing as his capability increases. This training is thoroughly practical and is the best possible way in which a shop force can be recruited. In special directions, such as the air-brake, we have air-brake inspectors who are experts in that line, and whose duty consists in being among the men constantly and instructing in all matters pertaining to the brake service. As to promotions, where a vacancy occurs, it is fixed by the next oldest man in our employ, provided he be capable of filling the position.

#### CHICAGO, BURLINGTON AND NORTHERN RAILROAD COMPANY.

[By George B. Harris, Vice-President.]

Our employés exercise their individual judgment as to insurance, and procure life and accident insurance from such companies as they see fit, or go without insurance. Generally, I think, the men insure.

Our company has no eating or lodging houses for train-men.

#### CHICAGO, BURLINGTON AND QUINCY RAILROAD COMPANY.

[And for Hannibal and St. Joseph Railroad, Kansas City, St. Joseph and Council Bluffs Railroad, and Burlington and Missouri River Railroad, in Nebraska, operated by the Chicago, Burlington and Quincy Railroad, by Mr. E. P. Ripley, General Manager.]

This company maintains an insurance or guarantee fund for sickness, accident, and death benefits, under the head of the Burlington Voluntary Relief Department. Its benefits are shared not only by the Chicago, Burlington and Quincy Railroad, but by the other roads of the Burlington system operated by the Chicago, Burlington and Quincy Railroad Company.

The fund is raised mainly by monthly voluntary contributions of employés, and the interest paid by the company on moneys awaiting disbursement, income from investments, and such appropriations as the company may make in accordance with its guarantee.

As the company pays all the operating expenses, every dollar of the fund is paid to members who are sick or injured, or in case of their death, to their families or designated beneficiaries.

Concerning the reasons which have led to its establishment and the feeling in respect to it on the part of the employés Mr. Ripley says:

The object of the company in establishing a relief department was to enable its employés to make provision for themselves and families at the least possible cost to them in the event of sickness, accident, or death. The company has established this department not only because it has the interest of its employés at heart, but because it believes that the department will serve to retain and attract a good class of employés, lessen the amount of discontent caused by improvidence, diminish the amount of litigation in cases of accident, and increase the good will of the employés toward the company and their confidence in the good will of the company toward them. Employés have been somewhat suspicious of the motives of the company in regard to this department, but there is now, I am glad to say, a growing feeling in favor of it as the regulations become understood and as the practical advantages of the department are made manifest by the prompt payment of benefits.

This company provides for its engine-men at all lay-over points a comfortable bunk room, as secluded and quiet as possible.

Freight-train men are expected to obtain whatever sleep is necessary when away from home in their way cars. Almost all freight-train and engineer-men carry their meals when they expect to be away from home, although there are at all lay-over points good restaurants at which meals can be had for a reasonable consideration—generally 25 cents. At all its principal points this company furnishes a room for its passenger conductors, where they may congregate and pass the time between the arrival and departure of their trains. In addition to this, we assist the railway department of the Young Men's Christian Association by subscription, and its reading-rooms are always open to our men, and are located at our principal points.

As to technical education in our shops, we have a system of apprenticeship, from which we are obtaining good results. The young men who go into our shops are paid fair living wages, and graduate according to their ability. All other things being equal, we endeavor to promote the oldest men in the service, but first take into consideration special fitness and training for the work required of them.

To secure the competency of locomotive engineers and other train-men, we have recently put books and pamphlets on "transportation rules," "firing locomotives," etc., in the hands of employes for study and instruction, and we expect good results from their use. In addition to this, our system of employing road foremen of engines for the education of our engineers and firemen has proved very satisfactory.

Mr. Ripley incloses pamphlets on the relief department, transportation department, and a manual of instruction for locomotive engineers and firemen.

#### CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY.

[By Mr. Roswell Miller, President and General Manager.]

We have no insurance fund or guarantee fund of any sort provided for the employes of this company on which they have a right to draw in case of sickness or accident, or from which payment may be made to their families in case of death. We have discussed the matter and had seriously contemplated the establishment of a fund by a monthly assessment on all employes, but have not put it in operation, because from the best information we obtained the weight of sentiment among the employes was against it.

We have no eating or lodging houses for train-men. We have lately established reading-rooms at two points on our lines, and we are subscribers to the railroad branch of the Young Men's Christian Association, which has reading-rooms at other points. At all the eating-houses operated by the company special rates are given to employes.

Provision is made for the employment of a certain number of apprentices in our shops, and their apprenticeship trains them for the service. It is our rule in promotion to give preference to the oldest employe, ability and fitness for the work being equal. Applicants for the position of firemen are required to pass a rigid examination as to their character and qualifications. Firemen desiring to be promoted to engineers are required to pass the same examination. Applicants for the position of brakemen are required to pass an examination as to their intelligence and character.

Brakemen who are applicants for promotion are required to pass an examination as to their intelligence and familiarity with train service. These examinations are conducted by officials of the machinery and train department, as the case may be.

#### CHICAGO, ST. PAUL AND KANSAS CITY RAILWAY COMPANY.

[By John M. Egan, General Manager.]

There is no insurance fund or guarantee fund of any sort provided for the employes of this company.

The company has no eating-houses on the line for employes, but there are divisional point eating-houses that are patronized almost exclusively by the railroad employes.



We have at points reading-rooms where papers and books can be obtained. At one of our divisional points there is a club house erected, which is used by the employés for reading and sleeping rooms.

At our shops we take apprentices in to learn the different branches of business. So far as promoting men is concerned, the first man employed has a prior right to promotion over others, provided he is competent to fill the position when a man is wanted.

#### CHICAGO, ST. PAUL, MINNEAPOLS AND OMAHA RAILWAY COMPANY.

[By Mr. E. W. Winter, General Manager.]

This company has no insurance or guarantee fund for the benefit of its employés in case of sickness or accident.

Eating and lodging houses for train-men are provided at such of the terminal points where suitable accommodations are not otherwise readily obtained. This company contributes to the support of reading-rooms at several points on the line where it is intended to especially provide for railway employés.

We have no system of technical school education in our shops, but are working under a general plan which young men can commence as laborers, and if they are bright the opportunity is given for them to become familiar with mechanical work in all its details. Under this method efficiency and close application will insure promotion. Our locomotive engineers and conductors are almost entirely educated on our own system, we taking pains to employ young men of good parentage as firemen and brakemen, with the understanding that if they apply themselves carefully to the work and develop well they will in their turn become switch, freight, and passenger engineers in locomotive service, and baggage-men, freight and passenger conductors in train service, we being careful to see that all have their priority rights dating from entrance into our employ, if they prove equally competent.

#### CINCINNATI, HAMILTON AND DAYTON RAILROAD COMPANY.

[By Mr. M. D. Woodford, Vice-President.]

In October, 1876, the "Cincinnati, Hamilton and Dayton Railroad Company's Employés' Mutual Benefit Association" was formed, for the purpose of creating a fund for the relief of its members during injury and to provide for their families in case of death.

Prior to that time the sole dependence of disabled employés and their families upon private subscriptions and donations led to the organization of this association, which in the past twelve years has been very efficacious and satisfactory. The fund, from which the members, in case of accident, have right to draw, or from which payment may be made to their families in case of death, is provided by assessing each surviving member \$1 at the death of any member of the association; but the endowment shall not exceed the sum of \$500, and any surplus arising from a death assessment over and above \$500 shall become a part of the contingent fund, out of which are paid, at the rate of \$5 per week, injured members who have been disabled from performing their ordinary duties for one week or longer, not to exceed twenty-six consecutive weeks. No allowance, however, shall be made for sickness, unless the same shall be the immediate result of injury. The officers and directors of this Mutual Benefit Association are prominent and faithful employés of this company, and apart from the benefits derived in relieving the distress which injury or death may create are the manifold advantages of closer bonds of fellowship.

Although the railroad company does not provide eating-houses for its train-men when away from home, all important stations have restaurants, where meals are furnished to train-men at reduced rates. Reading-rooms and lodging-rooms are provided at various points on the road for the accommodation of train-men, notably Toledo, Lima, Dayton, Cincinnati, and Indianapolis.

These rooms, which are conveniently situated near to the engine-houses, are furnished with tables, chairs, etc., writing material, and the various daily and weekly papers, weekly periodicals, railroad papers, and railroad magazines.

There are also sleeping accommodations at these rooms, with lavatories adjoining.

We have no system in our shops for the technical education of our men; what knowledge they show is simply empirical, acquired in the daily routine of shop work. Nearly all the mechanics employed by us in the various shops began service as apprentice boys, and have been gradually promoted according to their skill.

As an inducement to the men to labor for marked efficiency, we have fostered a system of promotion in all branches of the service, which recognizes age in service, fidelity, and loyalty, with favorable consideration, when men are qualified in all other respects. To insure the competency of locomotive engineers and other firemen, strict rules are adhered to.

Our regulations require that a man seeking employment as a locomotive fireman must make application in his own handwriting for the position. If he is an average penman, and of good general intelligence, he is then sent to the company's physician and examined as to his eye-sight, color-blindness, etc., after which, if he is eligible, he is usually placed on a switch engine to begin with. From time to time promotions are made, placing him out on the road, and in time, after a service of not less than three years, he may make application for a position as engineer. He is then examined carefully and thoroughly in the mechanical department, and if proficient there, is sent to the master of transportation, who examines him on the rules and regulations of the road, time-card, etc. If the applicant passes this test, he is then given a switch engine to run, and is gradually promoted until he becomes a road engineer. Examinations for color-blindness are made at regular intervals of two years.

CINCINNATI, NEW ORLEANS AND TEXAS RAILWAY COMPANY AND OPERATED ROADS.

[By Mr. John C. Gault, General Manager.]

We have never seen our way clear to organize any insurance or guarantee fund providing for the employés of either of the companies in cases of sickness or accident.

We have encouraged various accident and life insurance companies to do business on our roads, and have aided them to some extent towards issuing as many policies as possible in favor of our employés.

We collect the premiums at our own expense and pay them over to the insurance companies.

We have several eating-houses, and hotels owned by the different roads in the system, chiefly at the end of divisions, so that the train-men are provided with cheap accommodations in the way of meals and lodging.

There has been no provision made by our company for technical education in our shops beyond the usual custom of the country for promoting those who are studious and diligent.

We have a great many apprentices learning trades in our shops, and there is an inducement held out to them in the shape of promotion and advancement in salary whenever they earn such advance or promotion.

Some of the wealthier companies in this country have established insurance funds; the company putting in a certain amount of money, and the rest of the fund is made up by assessments on the employés.

It may be proper for me to add that our road, and the roads generally in the South, have a custom of taking care of those people who are unfortunately injured in the course of the performance of their duties. We employ surgeons under salaries to treat such cases at the expense of the company, and in many cases we pay all the bills of those who are unfortunate until they are able to resume their work; especially is this the case where the persons injured have been long in the service of the

company, and are in such circumstances financially that it would be a hardship for them to pay their expenses while they are under treatment.

CLEVELAND, CINCINNATI, CHICAGO AND ST. LOUIS RAILWAY COMPANY.

[By Mr. Robert Bln, General Superintendent.]

This company has no special insurance fund or guarantee fund provided for the employés on which they have a right to draw in case of sickness or accident, or from which payment may be made to their families in case of death. In the event of accident to any employé each case is taken up by the company upon its merits, and a certain amount allowed for lost time, doctors' fees, etc., depending on the nature of the injury, cause of accident, etc.

The employés themselves, twenty years ago, organized the "Bee Line Mutual Insurance Association," that the families of the deceased and disabled employés might be substantially benefited. This association has been successful in its operation, having, up to last fall, paid to the beneficiaries a total amount of \$332,143.65. The association is controlled exclusively by the employés (members), in which the company has no voice, except to give the association its heartiest support and a contribution of \$500 annually toward its expenses.

In the matter of company eating and lodging houses for train-men when away from home, and reading-rooms or other places of resort, the Brightwood Home, at Brightwood, near Indianapolis, is provided by the company as an eating and lodging house for train-men.

This home is furnished with modern improvements and has a reading-room that will accommodate fifty persons.

It is supplied with one hundred and fifty volumes of interesting and profitable reading matter, besides a number of daily papers, as well as magazines and other interesting periodicals. There is a lunch-room where warm meals are served at all hours, which, with the reading-room is kept open day and night. The price for meals in the dining-room is 25 cents each.

Lunches are furnished as low as and lower than can be obtained at any regular boarding-house for railroad men.

There are seven large sleeping-rooms in the home, containing fifty beds. Lodging and baths are free to regular patrons of the home. The home seems to be appreciated. The regular number of patrons is one hundred and fifty-one, and there are many more who come to it occasionally. The reading-room is well patronized, particularly in winter, by the men who discuss different topics and matters pertaining to their daily work.

The company also contributes to the support of the Young Men's Christian Association reading-room at Columbus and other places.

No provision is made by this company for technical education in its shops. It has been the uniform practice of the company to promote apprentices every six months, and other employés when their ability will warrant it, to fill higher positions made vacant by resignation, etc. The company has a book of rules and regulations which are rigidly enforced, whereby locomotive engine-men and train-men are examined, and their competency to fill their respective positions fully demonstrated before their appointment or promotion.

DELAWARE AND HUDSON CANAL COMPANY, OPERATING SEVERAL RAILROADS UNDER STATUTE AUTHORITY.

[By Mr. H. G. Young, Second Vice-President.]

We have a "relief fund" in connection with our coal department for the purpose of providing for participating employés of that department in cases of sickness or death. The fund is accumulated by payments, on the part of such employés as care to avail



themselves of its benefits, of stated sums; a sum equal to the aggregate of all payments made by the employes being paid into the fund by the company. This fund has been in operation about three years. The Travelers' Insurance Company, of Hartford, Conn., is authorized to operate over our several lines of railroad, and is deemed both by ourselves and our employes as affording the most satisfactory plan for insurance in case of accidents.

As a rule the trips of our men are so arranged as to bring them home each night. We have no eating or lodging houses, but at several points on our lines the Railroad Young Men's Christian Association have reading-rooms which are liberally supported by this company, and where our men, most of whom are members, have the benefit of library, baths, etc.

An apprenticeship of four years is served in our shops, at the end of which time, if the man is capable, a diploma is given. Promotion is from the ranks, the oldest in the service being the first in line of promotion. Special rules relative to the care and working of the locomotive, as well as the most modern and complete tests for vision and hearing, are in force to insure competency of locomotive engineers and train-men.

#### DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY.

[By Mr. W. F. Halstead, General Manager.]

There is no insurance or guarantee fund provided by this company for its employes that is controlled by the company, and no attempt has ever been made to establish such a fund, but our train-men and shop-men have an organization for mutual aid which is operated by the men themselves and is open to employes only. They provide a fund for death and pay weekly benefits for injuries. It has been in existence about eight years and I understand is giving perfect satisfaction.

At East Buffalo we have an eating and lodging house for train-men. This is the only point on our line where we regard it necessary for such a house. We provide both reading and library rooms for the use of our men at Hoboken, Scranton, Great Bend, and Elmira. These rooms are under the supervision of the Young Men's Christian Association.

No provision is made for technical education in our shops.

We promote men according to length of time in service of company, ability, habits, etc. Engineer and firemen are examined relative to competency, etc., by the different master mechanics under whose supervision they come other train-men by division superintendents. When train-men (engineers, firemen, conductors, and brakemen) are injured while in service of the company, we furnish medical treatment and in most cases allow them half time until able to work. In cases of men killed in service of company, we pay funeral expenses, and if married help their families when the case seems to warrant.

#### DENVER AND RIO GRANDE RAILROAD COMPANY.

[By Mr. S. T. Smith, General Manager.]

There is no insurance or guaranty fund for the aid of employes in case of sickness or death; we have a hospital fund to which employes subscribe 50 cents per month, which entitles them to medical treatment in case of sickness or injury, and a certain allowance to defray burial expenses.

There are no eating or lodging houses set apart for train-men.

We have an employes' library located at Burnham shops, Denver, Colo., and employes who desire, pay a membership fee of \$2 and an assessment of 50 cents per quarter. This room is located in the company's building and no rental is charged for its use, and the money collected is expended in the purchase of periodicals and new books.

This library has a very creditable collection of valuable literature.

There is a system of apprenticeship in force at the principal shops of the road. The apprentices are graded into first, second, third, and fourth year classes, and after the expiration of the fourth year they are considered practical machinists and the scale of wages after that time depends entirely upon their competency.

*Engineers and firemen.*—Firemen are usually made from wipers, and promoted to engineers when considered competent by the superintendent of machinery. Engineers are graded into three classes, one class for six months, another for the second six months, and at the expiration of twelve months satisfactory service they receive the pay of first-class engineers.

Conductors are promoted from brakemen, the promotion being in turn, provided those standing next in line are fully competent for the position.

Train and engine-men are examined on the rules and regulations governing the running of trains, the use of air-brakes and such other rules as may be deemed necessary.

Engineers and firemen are examined by the master mechanic or foreman of road engines as to competency for the respective positions.

It is the aim of the management to promote those already in the service whenever it is practicable to do so.

In regard to the hospital fund, the employés realize the benefits that they have derived therefrom, and I should say that it is a decided success.

Under this arrangement the employés along the line, and in the cities, receive the best medical attendance that is to be had, at a trifling cost.

#### DETROIT, LANSING AND NORTHERN RAILROAD COMPANY.

[By Mr. J. B. Mulliken, General Manager.]

Neither of the companies under my charge have provided an insurance fund or guarantee fund for the benefit of employés in case of sickness or accident, or from which payment may be made to an employé's family in case of death; nor has any attempt ever been made to establish a fund of that kind.

We have not provided eating or lodging houses for train-men when away from home other than those located at our eating stations, and which are for public use.

We formerly provided reading-rooms at Ionia and Detroit, on the Detroit, Lansing and Northern road, but they were so poorly patronized by our train-men that it was not deemed advisable to continue them, and they were discontinued sometime since.

No provision has yet been made by our company for the technical education of men in our shops; but we have a recognized system of promotion for employés in our service, whereby those who show themselves to be the best fitted for advancement are given the preference when vacancies occur.

Locomotive engineers and train-men are examined as to their competency and knowledge of the rules governing their branch of the service.

#### EAST TENNESSEE, VIRGINIA AND GEORGIA RAILWAY COMPANY.

[By Mr. C. H. Hudson, General Manager.]

There is no insurance or guarantee fund provided for our employés to draw against in case of sickness. A large portion of them are insured in the various insurance companies and in their own societies, such as the Conductors', Brakemens', and various other associations.

This company has never established eating or lodging houses for the train-men. We have provided reading-rooms and places of resort at various places, but they are not well patronized.

This company has made no provisions for technical education in its shops. We have an apprentice system, and so far as possible promote in the machinery depart-

ment from our apprentices. In the other departments we aim to fill up our higher places by promotion, so that all our men will look forward to and labor for advancement. Our locomotive engineers we promote from our firemen, and they are required to undergo a severe examination in both mechanical and road matters before promotion.

FITCHBURGH RAILROAD, HOOSAC TUNNEL ROUTE,

[By Mr. E. B. Phillips, President.]

This company has no insurance fund, nor does it contribute to any. But there are two organizations, supported by the employes of this and other companies, called the "Fitchburgh Railroad Relief Association" and the "Railroad Employes' Relief Association," which have insurance funds.

This company has no eating-houses for train-men when away from home; but at all the principal stations where trains originate or end waiting-rooms are maintained, in some of which there are conveniences for sleeping. The company contributes to the support of the reading-rooms of the railroad Young Men's Christian Association at Troy and Mechanicville, N. Y.

No provision has been made by this company for technical education in its shops. All employes are regarded as in the line of promotion, advancement depending upon the faithful discharge of duty and a capacity for increased responsibility. "The rules and regulations for the government of employes of the Fitchburgh Railroad Company" and the special rules in the "time-tables for employes" insure the competency of locomotive engineers and other train-men. The heads of all departments and their assistants are constantly instructing the men under them.

FLINT AND PÈRE MARQUETTE RAILROAD COMPANY.

[By Mr. D. Edwards, Assistant General Manager.]

This company has no insurance fund or guaranty fund of any sort provided for its employes on which the employes have a right to draw in case of sickness or accident, or from which payment may be made to their families in case of death, nor has this company ever, to my knowledge, attempted to establish such a system, hence no experience with employes as to the practicability of such.

This company does not operate eating-houses and furnish lodging-houses for its employes, but eating-houses and hotels are in operation and prepared to provide food at all our terminal stations at reasonable prices, and in addition the company does provide suitable sleeping accommodations at several terminal stations for use of train-men that desire to avail themselves of the same. Reading-rooms are available at several points, under the management of the Young Men's Christian Association, in buildings furnished by the railroad company, where a goodly assortment of newspapers and magazines are contributed by the several officers of the company.

We have no technical education system in our shops other than practical every-day knowledge, as supervised by our foremen and superintendents of machinery, and we claim that this plan of education properly prepares our employes for the service required of them.

There is every recognition of efficiency, which induces our employes to labor with the view of being promoted.

Our engineers and other train-men are not subjected to prescribed rules of competency, but are selected after a careful examination of their experience and record; and when advanced, length of service and competency prevail, but length of service does not govern if the promoting power is not fully satisfied of the efficiency of the applicant or the one to fill the vacancy. Our superintendent, train-masters, master-mechanic, and engine dispatchers, all in charge of the train-men, are constantly watching the movements of the employes in their respective departments, so that



when a change is necessary, owing to a vacancy, they are fully advised as to the proper person to fill the vacancy.

Good habits, interest developed with regard to the welfare of the company's property, care used in protecting property and person, disposition, record as to observation of rules, and efficiency are fully considered and rewarded.

The superintendents of the different departments are supposed to be competent to educate, but are not expected to furnish brains for our employés.

There is a hospital system managed by others than the Railroad Company, which our employés are recommended to take advantage of by securing certificates entitling them to medical treatment, medicine, board and lodging, on payment of \$5 or \$10 per year. The \$5 certificates admit the patient to wards, and the \$10 certificate admits the patient to a private room. Employés securing such certificates issue an order on our paymaster for the cost of the same, and the amount is deducted from the pay-roll and paid to the hospital or "sanitarium" managers.

The Hartford, Connecticut, and the Detroit Accident Insurance Companies also solicit patronage among our employés, being fully indorsed by the company.

#### GEORGIA RAILROAD COMPANY.

[By Mr. G. W. Guem, General Manager.]

No insurance fund or guaranty fund of any sort is provided for the employés of this company on which they have a right to draw in case of sickness or accident.

There is, however, the Georgia Railroad "Non-Secret Mutual Beneficial Association," organized by the employés May 30, 1889.

This company does not provide eating and lodging houses for train-men when absent from home. The company's subscription to the railroad branch of the Young Men's Christian Association at Atlanta secures to its employés the use of the reading-rooms of the association at the place.

There is no provision for technical education in our shops. The education is purely mechanical and practical. We have no recognized system of promotion, but promotion obtains according to merit among firemen and train-men. No special rules are in force to insure competency, except that each individual applicant for position of fireman or train-man must be able to read and write. The applicant must be strong and healthy and not over twenty-five years of age.

#### GRAND TRUNK RAILWAY COMPANY OF CANADA.

[By Mr. J. Hickson, General Manager.]

A Superannuation and Provident Fund Association was organized October 1, 1874, for the benefit of certain of the employés of the company. An Insurance and Provident Society was organized July 1, 1884. Prior to 1884, on the Grand Trunk Railway proper, a system of insurance was in force on a more limited scale.

A similar society was in existence on the Great Western Railway (now part of the Grand Trunk system) some years prior to 1884.

During the half year ending June 30, 1889, the Grand Trunk Railway Company contributed to the Superannuation and Provident Fund Association \$4,525, and to the Insurance and Provident Society \$6,250. The contribution to the latter society up to December 31, last, was \$10,000 per annum, but in consideration of the number of men admitted by absorption of new lines into the Grand Trunk system the contribution was increased to \$12,500 from January 1, 1889. These payments are made and the association established under sanction of the Parliament of Canada. The insurance fund of the society is intended to provide for payments at death, whether resulting from accident or natural causes.

The company provides free lodging-houses at all terminal or locomotive stations

for the use of enginemen and firemen who require to take rest away from their homes. These houses are provided with baths and other necessary conveniences.

At large locomotive stations, where there are repairing shops, reading-rooms are provided, which the men can make use of for a nominal sum, and which they themselves manage.

At Montreal education in mechanical drawing is given to those who desire to take advantage of it. Locomotive engine-men rise by seniority in the service, if they are competent.

They are examined by the assistant mechanical superintendents before they are allowed to work either as firemen or engine-men. The system of promotion of all classes of employes connected with the train service is that the men who have been longest in the service with a clear record and are suitable for the position have the preference. Before being promoted they are thoroughly examined as to their efficiency and knowledge of the duties expected of them and of the company's rules and regulations.

As to the feeling of the employes in regard to the insurance and provident arrangements, we believe, and with strong grounds for doing so, that the great bulk of those in the company's service look upon them as being wholly in their own interest. They are allowed in a large measure to manage the details, are always supplied with the fullest information, and afforded opportunities for discussing all matters relating to the administration of the association.

#### ILLINOIS CENTRAL RAILROAD COMPANY.

[By Mr. C. A. Beck, Acting General Manager.]

This company has no insurance fund or guaranty fund of the nature described in the circular of the Commission. I am advised that the matter has been discussed upon one or two occasions, but nothing definite has been done towards the establishment of such a fund.

We give every facility to the insurance of our employes by outside companies.

This company has no eating or lodging houses for its train-men when away from home with the exception hereafter stated, nor does it provide reading-rooms or other places of resort. As a matter of fact, nearly all the runs on this company's lines end in towns of some importance, where the employes are able to get all the accommodation they desire.

The only exception to this rule is at East Cairo, where, owing to the lack of accommodations, a small building has been provided where the men can sleep while off their runs. In a very short time this run will be extended to Mounds Junction, north of the new bridge, now nearly completed, when we shall probably have to afford similar accommodations at that point for train-men.

There is also at East Cairo a small reading-room, which is maintained by the men themselves, aided by contributions from the officers of the company.

At some other points on the line the Young Men's Christian Association have provided accommodations for train-men, with the aid of the railroad company and its officers.

The company has established schools connected with its principal shops, namely, at Weldon, Amboy, Waterloo, Water Valley, and McComb City. At these schools the apprentice boys and the young men that intend to follow railroading as their occupation are taught drawing and such other technical mechanical education as is possible.

From these apprentices, after they have served their term, and from the other mechanics, we select when practicable such men as can serve as foremen of shops and as engineers on the road. Before mechanics or foremen are promoted to the position of locomotive engineers they are carefully examined by the machinery department on the construction and workings of a locomotive, and after they have passed a critical examination to the satisfaction of the examiner they are then examined by

the superintendent or train-master on the rules and regulations affecting the running of trains. After they have passed both of these examinations they are first put in switching service and gradually promoted until they become regular road engineers.

#### KANSAS CITY, FORT SCOTT AND MEMPHIS RAILROAD COMPANY AND ASSOCIATED COMPANIES.

[By Mr. George H. Nettleton, President and General Manager.]

These companies provide no insurance or guaranty fund on which their employés have a right to draw in case of sickness or accident or from which payment is made to their families in case of death, nor has any attempt ever been made to establish such a fund. When employés are slightly injured they are provided with medicine and treatment at the expense of the company, and when seriously injured they are taken to a hospital and cared for at the expense of the company.

If they are employed in the train service, where their duties are hazardous, they are allowed half-pay while unable to report for duty on account of injuries. If employed in any other department they are allowed nothing on account of their wages while unable to report. These companies own no hospitals, but have arrangements for the use of others at convenient points on the line, where injured employés are taken.

A lodging-house is provided by the company for train-men at West Memphis, Ark. This is the end of a division, but, on account of its being in the Mississippi River lowlands, men are not given any longer lay-over than necessary to give them the required rest. None of the men have families residing there, and there were not the usual accommodations for lodging, which were therefore provided by the railroad company.

A reading-room at this point and at Thayer, Mo., which is another division point, is provided by the company and is heated and lighted at its expense. One is provided at Ash Grove, Mo., by the employés and is heated and lighted at their expense. The company contributes reading matter to all of them.

At Kansas City, Mo., the railroad companies owning and using the Union Passenger Depot provide reading and bath rooms, which are managed under the auspices of the railroad branch of the Young Men's Christian Association, to which the railroad companies contribute monthly sums to cover the expenses of maintenance.

These companies have no provision for technical education of the employés of any department.

It is the rule to promote those who are best qualified to fill the vacant positions, showing preference always to those who have been longest in the service, if equally qualified.

There are no special rules in force to determine the competency of train-men, excepting to learn definitely from their past record that they are competent. If the applicant has not been previously employed on this line, he is required to furnish a statement of his record from the officials of the road where last employed.

#### LAKE ERIE AND WESTERN RAILROAD COMPANY.

[By Mr. George L. Bradbury, General Manager.]

This company has no insurance or guaranty fund of any sort provided for the employés.

The company has no eating or lodging houses for train-men when away from home, and does not provide reading-rooms or other places of resort.

No special provision is made for technical education in the company shops. A certain number of apprentices are employed in the shops, and receive advancement according to time and merits. We aim to recognize efficiency, good conduct, sobriety, and application in all branches, and to promote our men strictly in accordance with their merits.



## LAKE SHORE AND MICHIGAN SOUTHERN RAILWAY COMPANY.

[By Mr. John Newell, President.]

The Lake Shore and Michigan Southern Railway does not provide any insurance or guaranty fund for the benefit of its employés.

In 1869 an insurance company was organized among the employés of the company, and has been in operation since organization, the membership now being 1,100. It is assisted by the company in the way of an annual donation of \$500, and many officers of the company are members.

For the accommodation of our engine-men we have "bunk-rooms" at all division terminals, that are quite generally used by the men when away from home. They are fitted up with bath-room, beds and bedding, soap, towels, etc., and men are supposed to see that they are kept clean and orderly. Each freight-train crew (conductor and brakemen) has a large caboose car that is attached to every train they run. This car has wide-cushioned seats that extend the whole length of car, and most of the men sleep in their cars when away from home. The passenger-train men prefer, as a rule, to provide their own lodging places, although at Cleveland we have a room fitted up for the use of passenger brakemen, and we have conductors' rooms at Chicago, Elkhart, Toledo, Cleveland, and Buffalo, which are furnished with lounges, tables, chairs, etc., that are quite generally used by the men that come in and go out during the night.

In addition to the above, the railroad branch of the Young Men's Christian Association has reading and resting rooms at Buffalo, Erie, Collinwood, Cleveland, Detroit, Jackson, and Elkhart, that are appreciated and well patronized by the employés. These rooms are supplied with newspapers, periodicals, books, and reading matter of a character that is interesting and instructive. Entertainments are frequently given for the benefit of the employés. Each building is in charge of a secretary, whose salary is paid by the company, except at junction points, where other companies join in this expense. The company expended in this way \$2,520 per annum. No eating houses are furnished exclusively for the use of employés, but there are eating-houses and lunch-rooms on the company's ground at all division terminals and at many of our principal stations for the benefit of the public and employés, the latter being furnished meals at reduced prices.

During eight months of the year we have drawing schools, where mechanical drawing is taught to our employés in the locomotive shops. These schools are conducted by the officers of the company and draughtsmen in the shops, and all material is furnished free, except drawing instruments, which are secured for employés at a small expense. It is made obligatory on the part of shop apprentices to attend these schools (unless excused for cause), and any other employé may go in who wishes to do so. Aside from this, no provision is made for technical education in our shops, except what is gained by actual experience.

As fast as vacancies occur employés are promoted, according to their efficiency and ability.

Great care is exercised in the selection of new men, and all locomotive engineers and other train-men are obliged to pass an examination before a board, consisting of division superintendents and master-mechanics, as to their competency and their general knowledge of mechanics, as well as of time-card and train rules.

## LEHIGH VALLEY RAILROAD COMPANY.

[By Mr. H. Stanley Goodwin, General Eastern Superintendent.]

We have an insurance or guaranty fund, or as we call it a relief fund, which provides for the employés of our company in case of injury received by them while in discharge of their duty, and the same fund makes provision for payment to their families in case of their death by reason of such injury. The fund is accumulated by

calling upon the employés to contribute a certain sum at a certain time. Their contribution is entirely optional, but if they do not contribute they fail to receive the benefits of the fund in case of needing it. The company contributes an equal amount, and it is maintained and administered by the company without expense to the fund, under direction of an officer appointed by the company.

The fund has been in operation for a little over eleven years.

The reason which led to its establishment was the need of some provision of this kind for our employés in case of injury received. This fund makes no provision for sickness and death from natural causes. The feeling in respect to it on the part of the employés is exceedingly favorable.

A large number of our employés are members of and contributors to this fund, and those who are not do not refrain from joining by reason of any want of good feeling toward the plan.

The company has no eating or lodging houses for train-men when away from home, nor does it provide reading-rooms for them. Places of resort are furnished them, where they can pass the time while waiting for their trains or for orders.

No provision is made by our company for technical education in shops with the intention of training men for its service thereby.

We have a custom of promoting our men from one position to another, whereby all the men upon the road have the right to consider themselves to some extent in the line of promotion, based to a considerable extent upon their ability and fitness for increased responsibility or for better paying positions, and based also upon the needs of the company. Our need of men for promotion is not great, because most of our employés have been in the service of the company since their boyhood. A great many of our employés in all departments are sons of men who also are, or were until their death, in the employ of the company, and there are quite a number of instances in which we have in our employ three generations in the same family.

The discipline of the road as maintained deals with every case of incompetency, and no person is retained who proves himself to be incompetent.

#### LITTLE ROCK AND MEMPHIS RAILROAD COMPANY.

[By Mr. Rudolph Fink, President and General Manager.]

This company has not provided any insurance fund or guaranty fund of any sort, for its employés.

The company has provided sleeping cars for its employés at Hopefield, Ark., where, on account of the encroachments of the Mississippi River upon the Arkansas shore, no permanent quarters could be maintained. A reading-room has been provided at Memphis, Tenn.

No provision is made for technical education in our shops.

There is a recognized system of promotion in the service, based upon length of service and peculiar fitness.

There is no special rule in force as regards competency of locomotive engineers. Most of the engineers on the line have been trained upon it, beginning as firemen.

#### LOUISVILLE, NEW ALBANY AND CHICAGO RAILWAY COMPANY.

[By Mr. John B. Carson, President and General Manager.]

This company has no guaranty fund of any sort which may be drawn upon in case of sickness or accident. The matter has been agitated at various times, but owing to a failure to obtain the consent of the majority of our men has never been put in any definite shape.

The company has no eating or lodging houses for train-men when away from home; nor have we any reading-rooms or places of resort of that character at any place on the line.

Our men are made to serve their apprenticeship as follows :

They are first put into the shops ; go from there to the various round-houses ; are then placed upon an engine as fireman, and finally, after passing a thorough examination, are promoted to the position of engineer.

Our train-men are regularly promoted, from brakeman to conductor on freight trains, and from that to conductor on passenger trains.

#### LOUISVILLE, NEW ORLEANS AND TEXAS RAILWAY COMPANY.

[By Mr. James M. Edwards, Vice-President and General Manager.]

No insurance or guaranty fund has ever been provided by our company. No eating or lodging houses, reading-rooms, or places of resort have been provided for train-men. We have no technical education in our shops beyond a regular apprenticeship system. Apprentices are advanced according to their ability to learn and are trained in ordinary shop work.

Men are promoted in the service of the company in accordance with their merits, and it is tacitly understood they will be advanced in accordance with the degree of efficiency which they possess.

All engineers are examined both on time-card rules and machinery before being put in charge of an engine. As to promotion in this service, the men are advanced in accordance with the time they have been in the service, provided they are competent and worthy.

#### MAINE CENTRAL RAILROAD COMPANY.

[By Mr. Payson Tucker, Vice-President and General Manager.]

This company does not directly provide an insurance or guaranty fund for its employés. There is, however, a relief association, managed by our employés, which has the full approval, as well as the material assistance, of this company.

The company does not provide eating or lodging houses for its employés. It does provide sitting-rooms for employés at our larger stations, but we do not furnish reading matter.

We have no regular system of technical education in our shops. Promotions are made from among those who have the best record for character and ability, the length of service being a secondary consideration.

The following are rules enforced to insure competency of engineers. All engineers are promoted from the ranks of firemen. All firemen must be twenty-one years of age, have a good common-school education, and be physically and mentally sound. Merit alone is the rule for promotion to engineers, regardless of time in service. Candidates for promotion must make application in their own handwriting, and must be examined by the foreman in charge as to qualifications for running trains and knowledge of the locomotive. He is then passed to the superintendent, or train-dispatcher, or person authorized by them, and examined as to his knowledge of timetable rules. He must be able to answer all questions concerning rules from memory. Passing examination satisfactorily, he is qualified as an engineer.

#### MICHIGAN CENTRAL RAILROAD COMPANY.

[By Mr. H. B. Ledyard, President.]

No successful attempt has yet been made by this company to establish an insurance or guaranty fund of any sort. The difficulty seems to be, first, the impossibility of making such insurance a success without requiring it to be compulsory with all employés ; second, the difficulty of fixing the premium satisfactorily to employés between those occupying the more hazardous and less hazardous positions ; third, the desire on the part of many of the employés to obtain their insurance through associations to



which they belong—such, for example, as the Brotherhood of Locomotive Engineers; fourth, the difficulty of satisfying employés who have been insured and subsequently left the service of the company; that they are not entitled to a refund of a portion of the premiums paid by them during their employment with such company.

This company has eating and lodging houses for train-men at important division points where the necessity for the same exists. Meals are furnished at about cost, and the prices for the same are subject to change by instructions from the management.

This company also contributes monthly to reading-rooms for employés at several stations on its line. These reading-rooms are generally managed by the railroad branch of the Young Men's Christian Association.

At its most important shops technical education is given, except during the summer months, to the company's apprentices and other employés through the medium of night classes, the instructors being foremen, who, as a rule, are allowed a slight increase of compensation for this special work.

With regard to promotion, engineers and freight conductors are classified, and can not pass from one class to another except after examination. Firemen and brakemen, before being promoted to engineers and conductors, respectively, are required to pass an examination before a board of officers established for that purpose.

As a rule, all other things being equal, promotion is made in accordance with seniority; but in many cases the fitness of the applicant for promotion must be the governing qualification.

#### MINNEAPOLIS AND ST. LOUIS RAILWAY COMPANY.

[By Mr. W. H. Truesdale, Receiver.]

No insurance or guaranty fund of any sort is provided for the employés of this company upon which they have a right to draw in case of accident, or from which payment may be made to their families in case of death. No attempt has ever been made to establish such a one for the benefit of the employés of this road. Most of our engine and train employés carry insurance in one or the other of several accident insurance companies, whereby, in case of temporary injury, they are paid a certain sum per week during their disability, or, in case of certain injuries which permanently disable them or in case of death, they or their heirs are paid the full amount of their policies.

This company does not provide eating or lodging houses for men when away from home, nor does it provide reading rooms or other places of resort. This company has, however, at two of its principal division points, hotel buildings on the railway property at which all the employés of the road are provided with meals or beds at 25 cents each. The accommodations furnished are very good and the price charged, as above, for them reasonable. In addition to this the company devotes a certain sum each month toward the support of reading-rooms, bath-rooms, etc., in the railroad department of the Young Men's Christian Association; these rooms are located in the city of Minneapolis, and are frequented by many of our train-men.

No special provision is made by this company for technical education in our shops other than that in the different departments we have a number of apprentices, who are required to serve a certain term of years as such, when they are promoted to the position of regular journeymen in those departments. There is also a well recognized system of promotion in all departments of the service of the company whereby men serving in more subordinate capacities who prove themselves capable, diligent, and progressive are promoted to higher and better positions in our service.

No special rules are in force for engineers, firemen, and other train-men other than that they have to serve as firemen or brakemen a certain length of time upon the road, and before promotion are required to pass a very rigid and thorough examination to show that they are thoroughly competent to assume the duties of the position to which it is proposed to promote them.

## MINNEAPOLIS, ST. PAUL AND SAULT STE. MARIE RAILWAY COMPANY.

[By Mr. F. D. Underwood, General Manager.]

We have no insurance or guaranty fund of any sort provided for employés of the company who may from any cause become disabled, nor is any provision made for the families of deceased employés; neither has any attempt been made by the above company to establish such a fund or to make provision for the families of deceased employés.

The company has both eating and lodging houses for train-men at all divisional points, and provides thereat a limited amount of reading matter, free to employés.

We have no system of technical education established in the shops of the company. There is a recognized system of promotion in all grades.

There are rules in force to insure the competency of locomotive engineers and other train-men, in that they are required to pass a rigid examination as to their knowledge of steam and water, combustion of coal, and other questions appertaining to the mechanical part of their duties. In addition to this they are examined by the transportation department as to their ability to distinguish colored signals by day and by night, and as to their knowledge and understanding of the rules governing the movement of trains; said rules being furnished them in the form of a book and under two classes, regular and special.

## MISSOURI, KANSAS AND TEXAS RAILWAY COMPANY.

[By Mr. George A. Eddy, for Receivers.]

We have no insurance fund or guaranty fund, and no attempt has ever been made to establish one. We have, however, a hospital fund, which is accumulated by monthly assessment upon all employés; upon those receiving less than \$50 per month, 25 cents; over \$50, 50 cents per month. This entitles the employé to office treatment and medicine at the various points on the line where local surgeons are employed; also entrance into hospital (which is located at Sedalia, Mo.) upon recommendation from head of department.

The railway company has no eating or lodging houses. As regards the shopmen, most of them are married men and have their homes located at the places where employed. The engineers and firemen are subject to the same customs as other train-men on the road, with reference to eating-houses, getting their meals at boarding-houses, hotels, and restaurants along the line. No reading-rooms or other places of resort are furnished by the company. In some places there are railroad branches of the Young Men's Christian Association, which are patronized liberally by the railway company.

While there is no provision made for technical education in the shops, custom recognizes that promotion comes with efficiency, and it is usual for all apprentices to acquire such by application of their efforts in a practical manner.

For apprentices learning trades of different kinds, such as blacksmith, machinist, boiler-makers, carpenters, painters, etc., it is the custom in our service to start the apprentice as such at a certain rate per day, and he is continued at that rate of wages until he has acquired efficiency meriting promotion, when his rate of wages is advanced in accordance with his worth to the service in the particular line in which he is engaged.

The competency of locomotive engineers is based upon former experience as firemen and knowledge of the machinery with which they are connected; usually acquired while employed as locomotive firemen and otherwise in the shops, and the only rule to insure competency is industry and application to the duties of the various classes of work assigned to them in the line of promotion to the position of engineer.

## THE MISSOURI PACIFIC RAILWAY COMPANY.

[By S. H. H. Clark, First Vice-President and General Manager.]

This company has established no insurance or guaranty fund upon which employés have the right to draw in cases of sickness or accident. The company has, however, a hospital department, conducted upon the plan of graded assessments based upon the amount of wages received by each employé; thus, an individual receiving less than \$50 per month pays 25 cents per month, and an individual receiving \$50 per month or over pays 50 cents per month. This constitutes a fund out of which employés receive medical and surgical treatment, and enables every employé to receive, at the least possible cost, the best medical and surgical treatment. The company has two hospitals, one at St. Louis and one at Kansas City, with emergency stations at Little Rock, Van Buren, and Pueblo.

The company has department staffs, which embody every main element of specialties—eye, ear, throat, lungs, etc.—consisting of men of established reputation who are continually in the service of the hospital department.

In addition thereto the company supplies transportation to and from the hospitals; also transportation to various parts of the country where it is necessary, by climatic changes, to treat employés.

Burial expenses are also paid in cases of death arising from injury or sickness. The hospital is extensively used by the employés, more than nine-tenths of all the employés of the company receiving treatment annually.

The company does not maintain eating or lodging houses at terminal or division stations for their engine or train men when away from home. The various eating-houses located along the line make concessions in the prices of meals, lunches and lodging to employés in the train service. There are no reading-rooms maintained by the railroad company, as this want is supplied by the railroad branch of the Young Men's Christian Association, to which the company donates a monthly subscription of money at several points, free rent of rooms, etc.

There are no special provisions made by this company for the technical education of employés in shops outside of teaching apprentices by actual experience. There is an organized system of promotion applicable to engineers and firemen in the service of this company. Among our other employés the general rule obtains that the oldest employés in the service of each class are selected for promotion, provided, after special examination, they are considered competent and trustworthy.

This company has no special rules in force to insure the competency of engineers and other train-men, except that engineers are required to serve a term of apprenticeship of from four to six years as firemen before they are promoted to engineers.

Passenger conductors, as a rule, are required to serve from three to five years as conductors of freight trains before they are promoted to passenger trains, and freight conductors serve from two to five years as brakemen before they are promoted to conductors of freight trains. It is the custom of the company to promote its own employés in the service, so far as they are considered competent, in preference to employing outside men.

## LOUISVILLE AND NASHVILLE RAILROAD COMPANY.

[By J. G. Metcalfe, General Manager.]

There is no insurance or guaranty fund for the benefit of employés.

The company does not own or operate any eating or lodging houses for train-men when away from home, but it sees that proper eating and lodging houses are provided at terminal stations and that charges are reasonable. Incidentally it assists boarding and lodging house keepers in maintaining such houses. This company does not directly provide reading-rooms or other places of resort; but at several of their terminal stations they assist by subscription the railroad department of the Young



Men's Christian Association, and that association has reading, bath, and amusement rooms convenient to the company's premises at several places, notably Louisville and East St. Louis. At some places also it provides, free of charge, sleeping-rooms on its premises for engine-men.

No special provision is made by this company "for technical education in its shops, whereby it seeks to train men for its service."

There is, strictly speaking, no recognized system of promotion in the service of the company.

It is the general policy of the company to promote the men already in its service; and individual merit in the employes is the only criterion by which the officers are guided. As a rule seniority is not recognized. If a man labors for and attains "marked efficiency," that efficiency is invariably recognized; this without a recognized or formulated system. In reply to your inquiry as to whether any special rules are in force to insure the competency of locomotive engineers and other train-men, would say that no men are appointed to the positions of enginemen or conductors without the company's officials being satisfied by personal examination that they are entirely competent to perform the duties of their respective positions, which includes examination as to knowledge of train rules and machinery. The firemen are examined in signal rules. As a rule enginemen are promoted from the ranks of those who have served as firemen, and generally it is arranged for the firemen to have some elementary experience in the shops, and no man is started on the line of promotion to the positions of enginemen unless we are satisfied that he has the natural qualifications for such a place.

The brakemen are generally hired from young men with the proper physical qualifications and rear brakeman or flagman of each train is especially selected from the most intelligent of the brakemen and has to undergo an examination on train rules, especially those relating to "flagging," with a view to preventing rear collisions when accidents occur between stations. This point is further covered by also requiring the conductor to see that the flagman performs his duties in such emergencies. Passenger conductors are generally selected from the most experienced of the freight conductors, having in view that the conductor in charge of a passenger train should be a man of good appearance and gentlemanly demeanor; the first requisite being, however, that he should be thoroughly versed in train rules and able to take care of his train and passengers in any probable emergency.

#### MOBILE AND OHIO RAILROAD COMPANY.

[By Mr. J. C. Clarke, President and General Manager.]

This company has no insurance or guaranty of any sort provided for its employes.

The company provides at terminal points where there are no eating or public lodging houses, accommodations for its train-men.

We have no reading-rooms located at any of the points on the line of this road.

We take apprentices into our machine shops for the purpose of teaching them to become mechanics. Many of these men afterwards become locomotive engineers. However, before they are given engines to run they are required to spend two or three months on the road learning it and becoming thoroughly acquainted with the handling of the locomotive while on the road.

The most of our locomotive engineers are men who have formerly been firemen. They serve from four to five years as firemen on locomotives, when they are carefully examined by the master mechanic or superintendent of machinery as to their knowledge of the locomotive, the means and remedies to be applied in case of accident, etc. They are also examined by the superintendent or train-master to see if they thoroughly understand the rules and regulations governing the running of trains, signals, etc. If they pass the examination satisfactory to the master mechanic or superintendent of machinery and to the superintendent or train-master operating the road,

they are then usually first put to switching service in some yard. If they give evidence of being able to successfully handle the engine they are afterwards assigned to road service.

NASHVILLE, CHATTANOOGA AND ST. LOUIS RAILWAY COMPANY.

[By Mr. J. W. Thomas, President and General Manager.]

We have no eating or lodging houses for our train-men, but attach a caboose to each of our freight trains, in which there are sleeping apartments and cooking arrangements.

We did provide a reading-room for our employés, but found it so little frequented that we discontinued it.

We have no arrangement for technical education in our shops.

We have an established system of promotion in all branches of service of this company; our engineers are universally taken from the ranks of firemen and our conductors from brakemen; for twenty years have not employed a conductor from another line.

KENTUCKY CENTRAL RAILWAY COMPANY.

[By Mr. H. E. Huntington, Vice-President and General Manager.]

We have no insurance or guaranty fund for the employés of this company.

We have no eating or lodging houses for train-men, neither is there any provision made for reading-rooms.

There is no provision made for technical education in our shops beyond the plan of preparing men through apprenticeship service, and in the matter of promotion we follow a regular line of promotion for efficiency in service and good behavior whenever practicable.

NEWPORT NEWS AND MISSISSIPPI VALLEY COMPANY (EASTERN DIVISION).

[By J. D. Yarrington, Second Vice-President.]

No insurance or guaranty fund has been provided.

The company have no eating or lodging houses for the train-men. A reading-room is equipped and maintained at the company's expense at Lexington, Ky.

No provision is made for technical education. The system of promotion recognized is seniority, combined with skill in the various stages of their respective trades, and capacity for increased responsibility. Special rules are in force to insure competency on the part of the locomotive engineers and trainmen.

NEWPORT NEWS AND MISSISSIPPI VALLEY COMPANY (WESTERN DIVISION).

[By Mr. John Echols, Third Vice-President.]

A hospital is maintained at Paducah, which is open at all times and to all employés who may be injured or in need of medical attention. The expenses are met out of a fund created by contribution from the company and an assessment of each employé, based upon the amount of salary received. The funds are expended only in administering the affairs of the hospital, under the direction of the chief surgeon and the control of the board of directors, who manage its affairs. The plan is very favorably received by the employés.

The company has no eating or lodging houses for its employés. It makes contributions to support the Young Men's Christian Association reading-rooms, etc.

No special provision is made for technical education.

Apprentices are promoted as they become skilled in their respective trades, and in all branches of the service the vacancies are supplied from the company's forces whenever suitable men are available.

Locomotive engineers and all train-men are examined, and must prove themselves competent and proper persons for their respective positions.

## NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY.

[By Theodore Voorhees, Assistant General Superintendent.]

We have no insurance fund or guaranty fund of any sort, nor has this company ever undertaken to establish one.

This company does not directly provide eating or lodging houses or reading-rooms for their men. It has, however, contributed very largely for the support of buildings and reading-rooms, which are cared for under the auspices of the Railroad Branch of the Young Men's Christian Association.

We have buildings for this purpose exclusively in New York City, New Durham, N. J., Troy, Albany, West Albany, De Witt, and East Buffalo. We also maintain rooms fitted up for lodging, reading, bath-rooms, etc., at Thirty-third street and Seventy-second street, New York, Little Falls, Syracuse, Rochester, and Buffalo. At all of these rooms the running expenses are largely paid by this company, and this company has provided the rooms and buildings either in whole or in part.

Apprentices are employed who have a knowledge of mechanical draughting; their compensation is at the rate of 10 cents per hour for the first year, 12 for the second, 13 for the third, and the fourth year a journeyman's wages; in this way we seek to train men for service in our shops.

The sons of employes receive preference in appointments as apprentices.

Our firemen are selected among the wipers principally. They are placed on freight engines at first, and are then advanced to passenger engines, selections being made with regard to length of service and ability.

Our engineers are selected from the firemen, with regard to length of service and ability. They are first given a switch-engine to run, at the rate of \$2.50 for all under 100 miles, above that  $2\frac{1}{2}$  cents per mile; the second year they receive \$3 for all under 100 miles, and above that 3 cents per mile; third year they receive \$3.50 for all under 100 miles, and above that  $3\frac{1}{2}$  cents per mile.

Switch engineers fill vacancies on freight engines, and the pick of freight engineers receive passenger trains; length of service and ability are the main considerations.

The selections are made by competent men, who have the engineers and firemen constantly under their personal supervision.

Promotions are necessarily slow, by reason of the long-time service of the employes; this in turn gives especial advantage in trying and testing the men before appointing them.

## NEW YORK AND NEW ENGLAND RAILROAD COMPANY.

[By Mr. William P. Shinn, Vice-President.]

There is no insurance or guaranty fund of any sort provided by this company for its employes on which they have a right to draw in case of sickness or absence, or from which payment may be made to their families in case of death.

The company has no eating or lodging houses for train-men when away from home, nor does it provide reading-rooms or other places of resort, except rooms for the convenience of the conductors while waiting at several of its principal stations.

There is no special provision made by this company for technical education in its shops whereby it seeks to train men for its service. The company seeks to induce its employes to labor for marked efficiency by promoting them to more responsible positions whenever a vacancy occurs which they can fill, but its efforts in this direction are to a certain extent frustrated by the action of labor organizations, which seek to have all men in a department receive the same compensation, whether skillful or otherwise, and to have them promoted according to length of service instead of efficiency.

The company has no special rules in force to insure the competency of locomotive engineers and other train-men, but all applicants for positions are subjected to a rigid examination by the head of the proper department.



## THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD COMPANY.

[By D. W. Caldwell, President.]

There is no fund of any sort provided for the employés of this company and no attempt has ever been made to establish one.

This railroad company has no eating or lodging houses for train-men and does not provide reading-rooms, etc., except so far as it aids the Young Men's Christian Association to do so.

There is no provision made by this company for the technical education of its men.\*

Promotions are made from the ranks in preference to employing men from other roads. The rule is to promote those longest in service, other things being equal.

Train and engine men are subject to an examination. Firemen and brakemen are promoted to engine-men and conductors only after an experience upon the road which fits them for such positions.

## NEW YORK, LAKE ERIE AND WESTERN RAILROAD COMPANY.

[By Mr. A. R. Macdonough, Secretary.]

No insurance or guaranty fund of any sort is provided by this company for its employés nor has any attempt ever been made to my knowledge to establish such a fund, certainly not since the organization of the present company (the New York, Lake Erie and Western Railroad Company) in 1878.

Train-men are furnished meals at all eating-houses on this line at a reduced rate. Majority of train-men reside at lay-over points. At several points where train-men have not residences, bunk-rooms are provided by the company for them. At other points men use cabooses. At one terminal point a reading-room with library, meeting-room, bath-rooms, etc., are provided for the use of train-men by the company. At nearly all terminal points similar accommodations are furnished by the railroad branch of the Young Men's Christian Association, to the support of which the railroad company contributes.

No provision is made for technical education in shops except the usual plan of apprenticeship. Promotion is made to depend upon the record of the employé for efficiency and capacity. In addition to the regular standard rules for the government of locomotive engineers and other train-men, they are examined as to their competency to perform the duties assigned them by both written and oral examinations.

## NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

[By W. E. Barnett, Executive Secretary.]

No insurance fund or guaranty is provided by this company for its employés and no attempt has been made to establish one.

The company has no eating or lodging houses for train-men when away from home, but contributes to the support of reading-rooms in the cities of Springfield and New York.

No provision is made for technical education of men in our shops.

A general order was issued in the year 1884 in regard to promotions, which is still in effect and is quoted below :

In filling any advanced position on any division or in any department of the service of this company, the appointing officer must, in all cases, do so by promotion from the position or service next below in rank, provided a person suitable for the advanced service is to be found in such lower rank.

In making such promotions, other things being equal, seniority in the service of the company is to control.

Within the meaning of this order every position involving increase of pay or responsibility is to be considered an advanced position.

To insure the competency of locomotive engineers and other train-men they are examined by the head of the transportation or motive power department as to their experience, ability, color perception, and visual power.

NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY.

[By John Burton, General Manager.]

This company has not established any insurance or guaranty fund thus far. It is the practice of the company to induce its employes in the train service to insure with one of the accident insurance companies, but we do not contribute anything toward the premiums, only giving facilities to the insurance company to canvass the employes for policies. I am not aware that any attempt has ever been made to establish such a fund as mentioned in this query.

The company has established at certain points on its line, where train-men are away from home over night, reading-rooms and bath-rooms in connection with the Young Men's Christian Association, which enables men to take rest in a decent fashion.

No system has been established for technical education in the shops. In the train service proper the rule is to make promotions from wipers to firemen and from firemen to engineers; and the same practice appertains to train-men and conductors. These classes of the company's employes are under constant daily watch of the foremen and superintendents, and in that way we may take it there are especial rules to insure competency.

NEW YORK, PROVIDENCE AND BOSTON RAILROAD COMPANY.

[By J. W. Miller, General Manager.]

We have never had any insurance or guaranty fund for the employes. Since I have had charge of the management I have made some preliminary steps towards such a plan, but nothing definite has been done as yet.

No necessity exists in this line for eating or lodging houses, as the length of the road permits employes to be at home nights and Sundays, and generally at all meals except dinner. We have, however, a lodging-room for conductors and engineers at Stonington, where there is a good deal of night-work and no proper place for them to sleep. We also have a conductors' room at Providence, where the men keep their clothes and do their writing.

No provision for technical education is made, as our shops are not large enough. All promotions are made from employes according to merit and time of service. Engineers and firemen are promoted from the lower grades, and station agents are given better positions as they prove their capability. The average length of service in our corporation is very high, some of the men having been on the road thirty years, and in one case a station agent has, I believe, been with the company since it was first organized, and all his sons are now in its employ.

NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD COMPANY.

[By Mr. Charles M. Heald, President.]

This company has no insurance fund or guaranty fund of any sort, nor has any attempt ever been made to establish one, it being deemed impracticable owing to the length of road operated and the number employed. The employes to a large extent are insured in the various brotherhoods of railroad companies.

The company has no eating or lodging houses for its train-men, nor does it provide reading-rooms or other places of resort.

No special provision is made by this company for technical education in its shops. Its train-men are selected from those deemed worthy and competent for such service.

Its employés are fully aware that upon their own merits and efficiency depend their promotion, and they recognize that fact. This company believing in promoting its employés rather than selecting the same from outside of those in its employ. At the present time there are no special rules in force to insure the competency of engineers, but a bureau is about to be established, whereby special attention will be given to insure competency and guard against color-blindness of its engineers.

#### NORFOLK AND WESTERN RAILROAD COMPANY.

[By Frank Huger, Superintendent Transportation.]

There is no insurance fund provided by this company for the use of employes, on which they can draw in case of sickness or accident, or from which payment may be made to their families in case of death. No effort has been made to establish such a fund. Employés who are injured in the discharge of their duty have their doctor bills and attendant expenses paid while off duty, and in addition the company makes them an allowance for loss of time. A large proportion of the men either carry their own insurance in the different organizations to which they belong or carry accident policies.

This company makes no provision for eating or lodging houses for train-men while they are away from home, but reading-rooms have been established at division terminals. We now have reading-rooms at Crewe, Roanoke, Radford, and Bluefield well supplied with current literature suitable for train-men, and standard books.

Only to a limited extent is provision made for the technical education of employés. It has long been the recognized practice of the company that proficiency and merit shall secure promotion, and as far as practicable it is the endeavor of the company to secure for all departments of its service experienced men out of its own ranks. All firemen before being promoted to engine-men, and all train-men before being promoted to conductors, have to pass a rigid examination, as well in reference to their proficiency for the position they seek as for their familiarity with the train rules and the customs of the service.

#### NORTHERN PACIFIC RAILROAD COMPANY.

[By W. S. Mellen, General Manager.]

The Northern Pacific Railroad has an organized relief system, known as the "Northern Pacific Beneficial Association," of which the general manager is president. This provides a regular system of medical attendance, applying alike to both sickness and injury, also a daily allowance of 50 cents during time of actual disability, and a small death allowance to cover burial expenses in case of death. The fund is maintained by a monthly assessment of all employés on a 50-cent per capita basis, the fund thus raised being held by the assistant treasurer of the railway company, and is administered by the secretary of the association under the direction of the president in connection with an executive committee from the general officers of the company. The medical work is divided into two divisions, east and west of Helena, with a hospital at Brainerd, Minn., for the eastern division, and another at Missoula, Mont., for the western division, with a chief surgeon for each division, who is resident at the hospital. There are also local surgeons under contract at all terminal and prominent stations. The association commenced its operations in October, 1882. The service is generally acceptable to employés. The hospital service is good, and the grounds are kept neat and attractive. Those who have been attended at these institutions speak well of them and the treatment received.

The company has erected eating-houses where train-men are provided for when away from home. Have also arrangements with hotels along the line of the road where employés receive the benefit of reduced rates for accommodations furnished them.



The company also encourages the establishment of reading-rooms by granting locations for such buildings along its right of way and by donations towards the same.

At the main locomotive shops at Brainerd, Minn., there was established some years since a drawing-school, equipped with all necessary fixtures and presided over by our chief draughtsman. Any of the employes, and especially the young men in the shops, were invited to avail themselves of the opportunity offered, and many have done so. This road is thoroughly on record in the matter of civil-service reform. There are no general stipulated terms of service governing all grades of employes, but as young men show their skill and become proficient, they are selected for advancement in preference to the employment of outside help.

Our rules for the promotion of engine-men are strictly adhered to. Competent men are first promoted from the ranks of cleaners and wipers to be firemen. After sufficient service to become familiar with machinery, and upon recommendation of the engineers for whom they have fired and the indorsement of the master-mechanic, they are promoted to be hostlers; after serving a sufficient time to demonstrate their ability to handle engines acceptably they are promoted to the rank of switch engineer, and in due time to the rank of road engineer. It is not practicable in this promotion to fix a definite period of time on account of the difference of ability displayed by different men, but before a man can take his engine as road engineer he is obliged to go through the different grades of the service and pass a critical examination. The general rule when employing engineers from other roads to fill vacancies when we have no men for promotion is to insist that such men have had at least three years' regular road service and credentials proving their ability as engineers and men.

#### THE OHIO, INDIANA AND WESTERN RAILWAY COMPANY.

[By C. Henderson, General Manager.]

We have no insurance or guaranty fund provided for the benefit of our employes, and no attempt has been made to establish an insurance fund on our road.

We have no eating or lodging houses for our train-men which belong to or are controlled by the company.

No provision has been made for the technical education of employes in our shops, except that which is attained from actual experience.

The test for promotion is competency and ability. In all cases where it is practicable the employes longest in service are first in the line of promotion, provided they are competent and fitted for advancement.

#### OREGON RAILWAY AND NAVIGATION COMPANY.

[By Mr. C. J. Smith, General Manager.]

This company has no insurance or guaranty fund provided for employes on which they can draw in case of sickness or accident. While we have no regular hospital fund or hospital arrangements, it is our custom to bear the hospital expenses of all men injured in our service, and we have good surgeons stationed at the various terminal points on our system under salary, whose duty it is to attend on all our men who may suffer injuries while in the discharge of their duty.

This company has no exclusive eating or lodging houses for train-men when away from home, but there are fairly good hotels and eating-houses located at all of the various terminal points on the line of our railway system. At The Dalles, Oregon, we have a free circulating library, which contains a large number of technical works and the current periodicals, from which our men can keep posted in regard to the improvements which are being constantly made in the mechanical world.

No provision is made for technical education in our shops, except as mentioned in answer to question number two, and a regular apprenticeship service. We have

lately organized a system of apprenticeship advancements in our shops and in making promotions; the efficiency of our employés in their various branches and the length of service with the company are governing us in such promotions. In reference to locomotive engineers, we insure their competency by employing a road foreman of locomotives, whose duty it is to ride with engineers while in actual service and give instructions in the economical handling of the locomotive, and also in the use of fuel and supplies. He is also an expert in the use of the latest improved air-brake apparatus on all classes of trains, and it is one of his special duties to instruct engineers in the use of the same. In addition to this, we have the use of a thoroughly equipped air-brake instruction car, which has been placed within reach of all engine and train men, enabling them to become thoroughly familiar, in the minutest details, with every portion of the apparatus.

The general rules in effect on our system governing engine and train men are those adopted by the General Time Convention, which are in use by all the prominent railroad systems of the country.

#### PENNSYLVANIA RAILROAD COMPANY.

[By Mr. Charles E. Pugh, General Manager.]

This company has a relief fund, formed chiefly of regular monthly contributions by employés who become members thereof, to which is added any income or profits from investments, appropriations by the company, and gifts or legacies which may be made for the use of the fund. No employé is required to become a member of this fund, membership being entirely voluntary, and any member can withdraw without affecting his standing in the service. Any employé not over forty-five years of age, who has been in the service for one month, and who passes a satisfactory medical examination, may become a member in the class determined by his pay, and may also take additional death benefits equal in amount to the death benefit of the class in which he becomes a member. Under certain conditions prescribed in the regulations members may enter higher classes than those determined by their pay.

Employés desiring to become members execute a formal application for membership, and upon approval of the application a certificate of membership is furnished.

This fund is administered through a department of the service of each of the following six companies associated in the administration thereof; viz: the Pennsylvania Railroad Company, the Northern Central Railway Company, the West Jersey Railroad Company, the Philadelphia, Wilmington and Baltimore Railroad Company, the Camden and Atlantic Railroad Company, and the Baltimore and Potomac Railroad Company.

By agreement between the several companies, these departments are managed jointly, the joint operations being conducted under the title of the Pennsylvania Railroad Voluntary Relief Department.

The department is under the general supervision of an advisory committee, whose duties are to see that its operations are conducted in accordance with the regulations; arrange for investments of money not required to be kept on hand for current use; determine the use that shall be made of any surplus at the end of any period of three years; appoint persons to audit the condition of the fund each year; propose such amendments to or changes in the regulations as it may deem desirable; and act upon questions brought before it by appeal from decisions of the superintendent or otherwise respecting the rights and claims of members. This advisory committee consists of the general manager, as member *ex-officio* and chairman, and twelve members, chosen annually, six by the directors of the companies and six by the members of the relief fund.

Members of the fund are entitled to definite amounts, proportioned to their contributions, in case of disablement from accident or sickness, and in the event of death certain definite amounts are payable to their relatives or designated beneficiaries. Members disabled by accident are also provided with free surgical attendance.

In order that the contributions to the fund may be devoted entirely to the payment of benefits to members of the fund, the companies pay all the expenses of administration. They also guaranty to make good any deficiency which may exist in the fund at the end of every period of three years. Should there be a surplus at the end of any such period, it is to be used in the promotion of a fund for the benefit of superannuated members, or in some other manner, for the sole benefit of members of the relief fund, as shall be determined by a vote of two-thirds of the advisory committee and approved by the board of directors.

The relief fund was established February 15, 1886, and was the outgrowth of a desire upon the part of the companies associated in the administration of the department to advance the interests of their employes and provide them with specific relief for themselves and families in case of accident, sickness, and death. That the fund is regarded with great favor by the employes is evidenced by the large and constantly-increasing membership.

There being no provision in the regulations of the relief department for continuing payment from the relief fund on account of sickness after payments have been made for fifty-two weeks, the board of directors authorized, at the expense of the companies, the continuation of payments equal in amount to one-half the sick-benefit rate received during the fifty-two weeks, until investigation and report on the merits of each case could be made, and of such payments thereafter as might be authorized by the boards.

This company does not provide eating-houses for the train-men other than to make such provision at some half a dozen exceptionally isolated points where they are liable to concentrate in moderate numbers, and the surrounding country so sparsely settled that they would not otherwise be able to obtain meals.

All train crews are provided with a caboose or cabin car, in which are provided sleeping-berths, a cook stove with a proper supply of cooking utensils, and, as a rule, train-men, when away from home, sleep and take a portion of their meals in these cars.

At all division terminals bunk-rooms are provided for such of the train-men as desire to avail themselves of them—usually engine-men and firemen. Special effort is made to keep these clean and otherwise attractive. Such buildings are also provided with bath-rooms, plentifully supplied with wash-basins, soap, towels, etc. In the same building containing the bunk-rooms, but in some instances entirely detached, are commodious reading-rooms, supplied with the current daily, weekly, and monthly periodicals.

Our experience with these reading-rooms and adjuncts above described has been very satisfactory, indeed; we find they are largely frequented by the train-men, and we believe they prove a strong inducement to attract them from frequenting drinking saloons and other places of doubtful surroundings. These establishments are in charge of old employes, who in many instances are unfit for service, but well known to the train-men, whose duty it is to see that order and proper discipline are preserved.

We take into our shops each year a limited number of young men who have received a technical education, and assign them to duty, subject to the same hours and discipline in every respect to that enjoined upon mechanics or others therein employed, passing them in time from one shop to another, and finally to the drawing-room and test department; promotion following to official positions, as their ability may justify. A certain number of apprentices who have not received a technical education are employed each year, and when they become mechanics, are eligible for promotions for positions of foremen or any other position within the range of their ability. It is well understood that the companies embraced in the Pennsylvania Railroad management fill all their official positions from foreman upward by promoting those already in their service; preference being given to applicants having been longest in the service, all things being equal.

Engine-men and other train-men are promoted from the service. We rarely, if ever, employ an engine-man or conductor who has not been a long time continuously in our



service immediately preceding his promotion. Firemen before being promoted to engine-men, and brakemen and flagmen to that of conductor, in addition to the knowledge the division officers already have of their capacity, are subjected to a special examination; in case of the former, as to their mechanical knowledge, knowledge of rules, etc. The same course is pursued with flagmen and brakemen, in reference to the applicant being otherwise eligible for promotion in connection with the duties and responsibilities they would be called upon to perform.

PHILADELPHIA AND READING RAILROAD COMPANY.

[By Mr. A. A. McLeod, Vice-President and General Manager.]

This company has an insurance or guaranty fund provided for payments to its employés of benefits in case of sickness and accident and to the families of employés in cases of death. It is known as the Philadelphia and Reading Railroad Relief Association, and embraces not only the employés of this company proper, but those of its affiliated leased and controlled lines. Its organization was effected on October 30, 1888, at a meeting held in the city of Reading, composed of a number of delegates, averaging three from each division or department of the company's service.

The fund which responds to the claims is accumulated by contributions made monthly by the members of the association, together with a contribution by this company made at the same time, and equal in amount to 10 per cent. of the total contributions of the employés. The company guaranties to make this contribution regularly from time to time until the aggregate contributions have amounted to \$1,000,000, and thereafter to make a contribution of 5 per cent. upon the same basis, and also guaranty to make good any deficit in the fund up to \$1,000. It also assumes all expenses incident to the conduct of the relief association such as salaries, clerk hire, office room, and stationery, in addition to its regular contribution, leaving the fund accumulated to respond only to calls for benefits.

The relief association is managed by an advisory committee, composed of nine members, five of whom are chosen by the employés, three by the board of managers of the railroad company, and the ninth is the general manager of the railroad company, who, *ex officio*, is chairman of the advisory committee. Elections for members of this board are required to be held annually. The details of the management are under the direction of Mr. John W. Royer, as superintendent of the relief association, and to him all claims are referred and all vouchers for benefits drawn by him. These vouchers are countersigned by the chairman of the committee and are paid by the Treasurer of the relief association. The moneys of the association are deposited separately to the credit of the association.

There are visiting committees in each division or department, composed of members of the relief association, who from time to time visit the sick in their respective districts, and make reports to the superintendent as to the progress of their fellow-members who are in receipt of benefits for sickness or accident.

At the inception of the association the membership was about two hundred. Of the total number of our employés about fourteen thousand are eligible for admission to the association, and the total membership at this time is 95 per cent. of all eligible employés. The objects of this association were twofold. It was designed in the first place to bring the interests of the employer and employed into closer connection; and in the second place to relieve the employés from the burden of the many calls made upon them by reason of sickness, accident, and death among themselves. Before the establishment of the relief association there was hardly a case of sickness, accident, or death where the fellow-members of the division or department in which the case occurred were not called upon, or at least expected, to make a contribution toward its relief. The necessity for this no longer exists, and the monthly contribution made by each member of the association not only relieves him of this great drain upon his resources, but provides a fund from which the unfortunate member receives his benefits.

We have every reason to believe that the employes appreciate the great advantages to them of this association, and the presentation of the fact that 95 per cent., or 13,337, of them are members is perhaps the best evidence of their feeling in this connection.

Lodging-houses, more generally known as bunk-houses, are furnished by the company at some of the terminal points upon its system, where it has been found advantageous for the men. In view of the character of the train trips all terminals are so provided, as in many instances the train-men running into certain points reside there. We have at Twentieth street and Pennsylvania avenue, Philadelphia, a house for the use of train-men, which is very comfortably provided with waiting rooms, bath-tub, and other conveniences. At Harrisburgh the conductors have pleasant rooms, provided with cots, washstands, and other conveniences; the engineers and firemen at this point having the use of the bunk-room at the round-house.

At Ninth and Green streets and Third and Berks streets, Philadelphia, stations there are large and comfortable rooms for the train-men, which are used by them to a great extent in making out their reports and spending the time prior to their departure on their trains. At Tamaqua, Richmond, Palo Alto, and Allentown bunk-rooms are provided, and at these points the rooms are used principally by the "extra men," as the "regulars," or those who are assigned to regular runs, have as a general thing private boarding-houses.

There is no regular system of eating-houses for the employes of this company, most of them being accustomed to carrying their meals with them, eating them either en route or at the bunk-rooms before referred to, while some take their meals at the boarding-houses or their homes at terminal points.

No regular reading-rooms, as such, are in existence upon this system, though the bunk-rooms before referred to are used to a great extent for the purpose of reading-rooms by our men, who furnish themselves with papers and periodicals.

No provision is made by this company for the technical education in its shops for train service. It may appear singular, but it is nevertheless a fact, that it is an exceptionally rare thing for a machinist to become a locomotive engineer.

Under the system as in operation with us, a locomotive engineer, before he becomes such, has passed through and become familiar with the duties, first, of a freight or coal brakeman, then conductor, then fireman, and after that engineer. In some cases engineers have been made of men who began as laborers at a round-house or engine-house, working very frequently at building fires in locomotives, then as firemen on shifting or yard engines, then on freight engines on the line, and finally engineers. This plan is deemed the best to make practical locomotive engineers, as it affords a thorough knowledge of all the details of coupling or making up trains, setting switches, shifting cars, and all the important duties devolving upon each class of occupation through which the engineer has passed. It also advances him regularly in pay and position until he has attained the place of engineer. Such knowledge of detail as this plan affords would not be in the possession of a machinist who might come directly from his mechanical duties in the shop to those in connection with a locomotive.

The engineers are also required to undergo strict examinations for the purpose of testing their abilities and qualifications for the position, and this examination is of a character which removes any doubt as to their competency for the place. It embraces an examination of their sight, hearing, ability to read and write, their knowledge of time-tables and the book of rules, their practical mechanical knowledge, and their proficiency in the use of air-brakes and train and road signals. Also their acquaintance with the different parts of a locomotive, and their ability to repair broken or disabled portions in case of emergency.

With reference to the question as to whether there is any system in effect whereby the men are induced to labor for marked efficiency, it may be said that the rates of pay are graduated according to the length of service, and this is a strong incentive

to the proper behavior of train-men generally ; and the attainment of such advanced wages and position under this system is a clear proof of the ability of the employé to fill each advanced step in the service. Constant instruction is given to the engineers by the respective road foreman of engines, and every opportunity is afforded the men for advancement in a knowledge of the duties of their respective lines of employment. It may be further stated that no fireman is allowed to run an engine until after he has fired constantly for at least eighteen months, and then only is he allowed to handle an engine after undergoing the thorough examination before referred to and having conferred upon him a certificate by the division superintendent as to his competency.

Brakemen and conductors also have to undergo an examination as to knowledge of time-tables and the book of rules, together with an examination as to sight, hearing, reading, writing, etc., and the same inducement as to advanced pay and promotion is held out to them by continued length of service as to engineers.

#### PITTSBURGH, CINCINNATI AND ST. LOUIS RAILWAY COMPANY.

[By James McCrea, General Manager.]

We have what is known as the " Voluntary Relief Department of the Pennsylvania Line West of Pittsburgh." It has only been in existence since July 1, 1889. Up to the present time we have about 3,500 members, and have every reason to believe that the organization will, in the comparatively near future, reach a membership of 10,000. We were led to establish this system, first, from an earnest desire to give our employés a means of insuring themselves in an organization of which the benefits were adapted to their calling, and of which the financial integrity was guaranteed, and second, because the success of a similar organization on the Pennsylvania lines east of Pittsburgh has been so very marked that we received numerous requests from our employés to provide them with similar privileges.

Our relief association is (as its name indicates) entirely voluntary and, as the number of applications for membership received during the two months of its existence show, is receiving very satisfactory support from the employés ; many of them now being members of other associations, have deferred joining until the time for which assessments have already been paid up has expired.

There are no eating or lodging houses maintained by the company for train-men while away from home, nor is such a plan, as a rule, desirable ; the men preferring to live in the very comfortable cabooses supplied for their use.

At all points where our train-men are compelled to lay over we either contribute to the expenses of the Young Men's Christian Association railway reading-rooms (to which our employés have access) or have established and maintained reading-rooms at our own expense. In most places these rooms are provided with bath-rooms, etc., and all of them have a good supply of daily papers, while the majority have small libraries, kept up by voluntary contributions.

We have no fixed system of technical education of men in our shops, nor do we have any regular apprenticeship. Our men work largely at " piecework," and it is the practice, in taking young men into the service, to give them at first work they can do at unskilled labor wages ; they are then advanced from one kind of work to another until they have learned enough to warrant the payment of " piecework" wages. They go from one class of work to another through each department of the locomotive or car works, so that they eventually get a very thorough course in whichever branch they may be engaged in.

We make it a point each year to take in a number of graduates from technical colleges and give them a course through the shops and in our mechanical drawing-rooms, which plan results in giving us some very excellent material for the higher positions in the service. All vacancies are filled by promotion.

All engineers are selected from our own force of firemen, seniority in service gov-



erning, other things being equal. When promotions are made the candidates are subjected to a searching examination as to the care and management of an engine, and also as to the rules governing the movement of trains. The result of this examination, coupled with the previous record of the candidate, determines the question as to his fitness for promotion.

THE PITTSBURGH AND LAKE ERIE RAILROAD COMPANY.

[By E. Holbrook, General Superintendent.]

We have no fund of any sort provided for employes in case of sickness or accident.

Our line is a short one, running about 60 miles north and south from Pittsburgh, but we have a boarding-house for our men near Pittsburgh, and another at the southern terminus of the road, where they can get meals and lodgings at all hours at reasonable prices.

We have no provision made for technical education in our shops, but have a system of promotion among our train-men—that is, engineers, firemen, conductors, and brakemen—examinations being made from amongst the oldest employes, they being promoted first, everything else being equal. Our engineers and all train-men are required to pass a rigid examination covering all their duties, and are also examined as to their sight and hearing.

RICHMOND AND DANVILLE RAILROAD COMPANY.

[By Mr. Peyton Randolph, General Manager.]

We have no insurance or guaranty fund for the benefit of employes.

This company in all cases, however, takes care of its employes during the time they are laid up on account of injuries received while on duty. This company has never attempted to establish a relief fund, as any attempt to do so would bring forth objection on the part of its employes, provided the plan required them to contribute to its accumulation.

This company has several eating and lodging houses along its line, and employes get their meals at 25 cents per meal. All freight and road trains are furnished with caboose cars, that are usually occupied at lay-over points by conductors and their train hands. These cars are equipped with cooking stoves and bunks.

The company has two reading-rooms that are maintained at its expense. They are furnished with weekly pictorials and monthly magazines, as well as such works as the company from time to time thinks would be useful and interesting reading to its employes.

This company has no school of technology, and does not draw men from the shops for train service. All of its white employes are regarded as in the line of promotion, advancement depending upon the faithful discharge of duty and capacity for increased responsibility.

RIO GRANDE WESTERN RAILWAY COMPANY.

[By Mr. D. C. Dodge, General Manager.]

We have what is called a hospital fund. It is accumulated by assessing every employe 50 cents per month, which is administered under the direction of our chief surgeon.

As a rule the employes are well satisfied with the way the hospital fund is managed. At some points on our road we have lodging-houses for our train-men, but not at places where there are public lodging-houses or hotels.

We have no provision for technical education in our shops. We recognize the system of promotion. We require our train-men to go through an examination before employing them.

## ROME, WATERTOWN AND OGDENSBURGH RAILROAD COMPANY.

[By W. W. Currier, Superintendent Transportation.]

We have no fund for the employés, and no attempt has ever been made to establish one, that I am aware of. The company has no eating or lodging houses of its own; all of these where our men put up are owned and controlled by private parties. We have no technical education for our men, except what they learn by actual service. In promoting our men we recognize merit, length of time in service, giving preference to the oldest men, all things being equal. We have no special rules in force in regard to locomotive engineers, etc., other than actual record by such services.

## ST. PAUL, MINNEAPOLIS AND MANITOBA RAILWAY COMPANY.

[By A. Manvel, Vice-President and General Manager.]

No insurance or guaranty fund has been provided for employés.

This company has only the eating-houses that it provides for the traveling public, at which places train-men can secure meals. We have provided lodging-houses for train-men, but our past experience has been that they will not use them, and their use has been, except at one point, practically abandoned.

It is expected promotion of the company's men will be made as their efficiency may be developed in service.

No special rules are in force in regard to locomotive engineers and other train-men except those appearing on the time-cards.

In reference to the above, I beg to state that, as you will be aware, the lines of this company are on the frontier to a very large extent, and our business shows great variations in its volume during the year. This, with the comparative newness of the line, has prevented the establishment of any insurance or guaranty fund up to this time, as, owing to the nature of our traffic, our men are changing more than would be the case in older-settled communities.

## SAVANNAH, FLORIDA AND WESTERN RAILWAY COMPANY.

[By Mr. H. S. Haines, General Manager.]

There is no insurance fund or guaranty fund provided by or under control of these companies. The officers and employés of the companies have, however, formed among themselves an association for the relief of its members in case of sickness or accident, and to provide a death benefit to defray burial expenses. The association numbers 530 members. The members of this association have enlarged the scope of its usefulness by the formation, from its members, of the Mutual Co-operative Association, duly chartered by the State of Georgia, the object of which is to buy goods and sell same for the benefit of its members.

The companies have restaurants at junction and terminal stations, at which the employés are provided with meals at reduced rates.

A number of apprentices from the machine-shops are periodically transferred to the chief engineer's office for a course of instruction.

We have the usual provisions for maintaining the competency of employés and for promotions.

## SOUTHERN PACIFIC COMPANY.

[By Mr. W. G. Curtis, Assistant to General Manager.]

This company has no insurance fund or guaranty fund on which employés have a right to draw in case of sickness or accident, or from which payment may be made to their families in case of death. Our policy is to take care of these cases from a charitable stand-point and in accordance with the facts and circumstances surround-

ing each particular claim. We have a complete hospital and medical-benefit service, under the charge of a superintendent; each employé is required to contribute 50 cents per month to the maintenance of this service. A hospital is maintained at Sacramento, Cal., and contracts with well-conducted hospitals (often those under the care and management of the Roman Catholic Sisterhood) are in force for the care of sick and injured employés at other places, viz: San Francisco, Oakland, Los Angeles, Cal.; Tucson, Ariz.; and Portland, Oregon. Physicians and surgeons are under engagement to care for sick and injured employés at the expense of the hospital fund at various points on the line, and, wherever practicable, specialists (notably oculists and aurists) are also under engagement. This list of medical attachés foots up fifty names. In cases of sickness or injury employés are entitled to treatment, free of charge, at the nearest company physician's or surgeon's office, and, in cases of necessity, at their homes. By arrangements with druggists medicines are at many points furnished to employés without charge on prescriptions made by the company physician.

The company has no eating-houses for train-men when away from home, but controls the hotels and eating stations to a sufficient extent to guaranty its employés fair treatment in this respect. At many places, especially in Nevada, Utah, Arizona, and New Mexico, neat lodging-houses with bath-rooms are provided by the company at division stations, and employés not otherwise provided for are entitled to occupy these houses free of charge. Reading-rooms are also provided by the company at such stations, the libraries contained therein being usually maintained by special contributions from employés; some of these libraries on our line are large and well selected, and all are in every way creditably conducted.

No special provision is made by our company for technical education in its shops. There are systems of promotion varying according to nature of the service, but based upon recognized principles of right and justice, well understood by the men. Our aim is to keep constantly impressed upon the minds of all our officers and employés who may be authorized to hire and discharge men that the performance of duty by every man must be entirely without personal favoritism or bias, and that all vacancies shall, if possible, be filled by promotion, selections for such promotion to be made from the list of those who may have shown themselves the most capable and efficient. When vacancies occur in any branch of our service, all other things being equal, the men who are qualified to fill such positions are entitled to precedence according to their terms of service—those who have been longest in the employ of the company being considered the most eligible.

The intent and object of the greater portion of all the rules issued by the operating officers of railroads is to insure the competency of employés. I can not say that we have any special rules to this end that we may fairly assume to be better than those in force on any well-managed line. The personal record of every employé in the train service, with reference to his experience in the business, is known to us. Division superintendents and division master-mechanics, who jointly are directly in charge of locomotive engineers, firemen, and other train-men are required from their own personal knowledge to know that every man employed is in every respect competent to perform the duties assigned to him.

In case of locomotive engineers, especial pains is taken to assure the management that every man promoted or hired for such duties understands the running of locomotives, the rules governing the movement of trains, and is in every way competent to perform the work required of him.

#### THE TEXAS AND PACIFIC RAILWAY COMPANY.

[By John A. Grant, General Manager and Chief Engineer.]

We have no insurance fund or guaranty fund of any sort to provide for employés of this company on which they have a right to draw in case of sickness or accident. We have, however, a hospital, under the supervision of a skilled physician and sur-



geon. This hospital is maintained by a certain amount contributed monthly by the employés, viz: All employés receiving \$100 or less contribute the sum of 25 cents per month; those receiving salary of more than \$100 per month contribute the sum of 50 cents per month. This company owns several hotels and lodging-houses at terminal points, which are leased with the understanding that they are to charge employés one-half of commercial rates. No provision has ever been made by this company for technical education in our shops further than the training of apprentices in a thorough and practical manner. Our apprentices are induced during their apprenticeship to labor for marked efficiency by advancing their wages yearly. The first year we pay our apprentices  $7\frac{1}{2}$  cents per hour; second year, 10 cents per hour; third year,  $12\frac{1}{2}$  cents per hour; fourth year 15 cents per hour; and fifth year,  $17\frac{1}{2}$  cents per hour. The only rule we have concerning engineers and firemen is that we require an engineer to pass a thorough examination in the transportation department as to their understanding of the time-card rules; then we give them various questions, and if their answers are satisfactory we give them a trial on the road. If they do not come up to our expectations they are dismissed from the service. Firemen we select from our ranks according to record, time of service, and general habits and deportment during the time on the road; then they are required to pass the same examination as engineers from other roads, who have made their record, and who make application for a position as engineer, with duly-approved papers from the road last with.

## TEXAS PAN HANDLE.

[By C. F. Meek, General Manager.]

There is no insurance or guaranty fund provided by the company for the employés, but employés in nearly every instance carry an accident insurance at a very low rate, the premium for which is paid in installments, and deducted monthly from the wages of the employé insured.

The company has lodging and eating houses for train-men only at points where there is no settlement and these conveniences are not otherwise provided.

We have no provision for technical education in our shops. We find it to our advantage to rely more upon actual experience in train and road service, coupled with a period of practical experience in the mechanical department.

Under our system seniority gives men preferment in every instance where past services have been efficient and meritorious.

Locomotive engineers are carefully examined by master-mechanics before being employed. Locomotive engineers and all train-men are carefully examined with reference to the rules governing the running of trains before being allowed to run.

This company uses the uniform code which is in effect upon nearly all railways at the present time.

## TOLEDO, ANN ARBOR AND NORTH MICHIGAN RAILWAY COMPANY.

[By H. W. Ashley, General Manager.]

This company has never and does not now provide any fund to assist employés in the event of sickness or disability.

We compel those who are engaged in train service to take a policy in some accident insurance company and to continue to carry it while in the service.

The company does not provide any lodging or eating houses for its employés in any department.

Our men are generally taken on the recommendation of officers of other railroads. We do not have any recognized system of promotion; the small number of our employés and our personal acquaintance with them making such a system undesirable.

## UNION PACIFIC RAILWAY COMPANY.

[By Thomas L. Kimball, General Manager.]

We have no "insurance or guaranty fund" in existence on the Union Pacific lines, but we have what is known as the hospital fund, which originated in 1881 by voluntary contribution of the employes of the Smoky Hill and Denver districts of our Kansas division; the amount paid by each employe being 50 cents per month. In 1882 this was made uniform over the entire system of the road, and continued until February 1, 1884, when the assessment was reduced to 40 cents per month. In December, 1884 it was reduced to 25 cents per month and has continued at that rate ever since. On account of additional benefits which have from time to time crept in during the past five years it has finally been decided to restore the former assessment of 40 cents; this will go into effect on November 1 next.

The company owns its hospital at Denver, leases a building for hospital purposes at Ogden, and has contracts with the hospital at Omaha, Kansas City, and one or two other points on the line, under which patients are cared for at a stipulated price per day or per week.

The company does not especially provide eating or lodging houses for train-men when away from home, except such as are maintained for general purposes. In isolated places we have what are known as bunk-houses for use of our train-men, and at several points we have recently established reading-rooms.

The usual form of apprenticeship prevails in our mechanical department, under which it is sought to train men for the service.

In matter of promotions, we have considered the men largely with a view to their general merits and efficiency, but have no special recognized rule in that direction. We employ the general rules in force on nearly all of the railroads of the United States to insure competency of locomotive engineers and train-men.

## UTAH CENTRAL RAILWAY COMPANY.

[By Francis Cope, General Freight and Traffic Agent.]

The Utah Central Railway Employés' Mutual Aid Society is the only insurance or guaranty fund of any sort provided for the employés of the Utah Central Railway Company. It has been in existence about fifteen years, and has been very successfully managed and gives excellent satisfaction to its members. It is unlike most benefit societies, being confined to actual employés, and when a person leaves the service of the company he also leaves the society, but is allowed to draw any surplus profits which may stand to his credit on the books. The relief is limited in duration to six months' full pay, and three months' half pay continuously, after which time the member has no further claim on the society. In case of frequent sickness no member is entitled to receive more than six months' full pay and three months' half pay within a period of fifteen months. The payments to the society are classified respectively A, B, and C, the payments being \$1.50, \$1, and 50 cents per month. In cases of sickness, the relief is, class A \$56, per month, B \$37, and C \$19. In cases of death, class A, \$225; class B, \$150; class C, \$75.

The society was established by the employés themselves, and is regarded as a very beneficial institution. The secretary is paid about \$180 per year for attending to the business of the society. Each member is credited the amount of his contributions, and is charged his proportion of current expenses, including sickness and death. Any balance remaining in his favor is paid to him in full on leaving the company's service, and at the end of each year a dividend is declared proportionate to the amount to the credit of each member. A balance of \$2,000 is reserved at the beginning of each year as a fund in addition to the current contributions. This has been found ample in all ordinary sickness and deaths.

The Utah Central Railway is only 280 miles long, and it has not been necessary to establish eating or lodging houses for train-men when away from home, neither does it provide any reading-rooms.

No provision is made for technical education in our shops. A number of apprentices have been employed, who are taught practical business, and many of the skilled mechanics in the shops to-day have been taught there. Promotion has been regulated by time of service and ability (age having preference), all other things being equal. This rule has tended to insure competency of locomotive engineers and other train-men. The Utah Central has recently been consolidated with other western lines, under the management of G. M. Cumming, also assistant general manager of the Union Pacific Railway Company, and I assume that many of the modern improvements for the comfort and education of employés will be adopted.

#### VANDALIA LINE.

[By John G. Williams, Vice-President and General Counsel.]

This company has no insurance or guaranty fund of any sort provided for its employés on which they have a right to draw in case of sickness or accident or from which payment may be made to their families in case of death, and no attempt has ever been made to establish such a fund. There is in nearly every department of the operating service of this company a brotherhood to which the men in each department respectively belong, such as the Brotherhood of Locomotive Engineers, of Locomotive Firemen, the Conductors' Association, etc. These brotherhoods and associations each maintain a fund applicable to the relief of its members in cases of sickness, accident, or death, and so far as my experience goes I am of the opinion that railway employés generally prefer to create, manage, and distribute such a fund rather than to commit the whole matter to the management and control of the company.

We employ surgeons, whose services the men in case of injuries received whilst in the service of the company are at liberty to command free of charge, and in such cases we also furnish without cost to the employé the necessary medicines and medical supplies. In addition to this, when an employé is injured in the service of the company without fault on his part we aim to give him during his disability such reasonable assistance as his case seems to merit, and the families of employés killed in the service of the company under like circumstances receive the same favorable consideration.

Many of the men insure in accident companies, the premiums being paid monthly, and in small amounts, and we encourage them to do this, believing that where the employé bears a part or all the cost of his insurance he will at least take as good care of himself as if the insurance was carried for him without any outlay on his part.

The company has no eating or lodging houses for train-men when away from home, nor does it provide reading-rooms or other places of resort. The runs made by our train crews are so arranged that there is no necessity for the former, and as to the latter, there is a reading-room at Indianapolis and one at East Saint Louis, this company having part ownership in the one at East Saint Louis, to which our employés can have access if they so desire.

There is no special provision made by this company for technical education in our shops, nor are there any special rules in force to insure the competency of locomotive engineers and other train-men. Numbers of boys enter our machine-shops and go from there as firemen and afterwards become engineers; worthy freight brakemen become freight conductors, and the latter are promoted to passenger conductors. To this extent there may be said, I suppose, to exist a recognized system of promotion. Nearly all of our passenger conductors have been in the service of the company for a number of years, many of the engineers have grown up in the service of the company, and of course where we employ strangers as engineers we take the necessary precautions to satisfy us that they are competent and trustworthy.



## WABASH RAILROAD COMPANY.

[By Charles M. Hayes, General Manager.]

We have no insurance fund or guaranty fund of any character provided for our employés on which they have the right to draw in case of sickness or accident. We have established, however, a hospital system in connection with this road, under the rules of which employés receiving \$50 per month and over contribute 50 cents per month from their wages, and those receiving less than \$50 contribute 35 cents per month. This contribution entitles them to treatment in our hospitals in case of sickness or injury, or to such prescriptions as they may wish when they are not ill enough to be removed to the hospital for treatment.

Our employés seem to be generally satisfied with this arrangement, as we now hear very few complaints from them regarding it.

Eating-houses have been established at various points along our line both for the accommodation of passengers and train-men. The latter obtain meals at special low rates at all of these houses. We also have a dining-car service on our lines east of the Mississippi River, and all company employés obtain meals on the dining cars at special rates.

This company contributes a certain amount per month (according to the size of the place and the number of our employés located there) to the support of reading and recreation rooms under the supervision of the Young Men's Christian Association at nearly all of our large terminal points. It has also been our policy to encourage by money subscriptions and otherwise the formation of literary and educational societies at such points along our line where any number of our employés congregate during their leisure hours.

Apprentices are employed in our different shops from time to time, who are usually selected from among the families of men who are already employed by the company. They are usually shown preference whenever openings which they are capable of filling occur. This is the rule governing every department of this road in connection with the promotion of employés and the filling of positions.

We have our regular code of rules for the government of engineers and other train-men, a copy of which is furnished to each man when first employed, and which he is required to carry with him at all times when on duty; but before he is allowed to perform any service a strict examination is made as to his knowledge of the rules and regulations to ascertain whether or not he is capable of filling the position he seeks.

## WESTERN AND ATLANTIC RAILROAD COMPANY.

[By R. A. Anderson, Superintendent.]

No insurance fund has been provided nor any attempt made to establish such a fund.

We have no eating or lodging houses for the use of employés, nor are reading-rooms provided for the same.

No provision is made for technical education further than receiving apprentices in the car and machine shops. As a general thing, our machinists, engineers, and conductors are promoted from the shops, firemen, and train-hands, or brakenien. This we find to be an incentive to the men, as they have to prove themselves competent before promotion.

## WESTERN NEW YORK AND PENNSYLVANIA RAILROAD COMPANY.

[By George S. Gatchell, general superintendent.]

No insurance fund or guaranty fund is provided for our employés.

We have at Emporium and Rochester terminal eating and lodging houses; no reading-rooms.

No technical education is given in our shops, but we have a small pamphlet, with air-brake cut, which must be understood by all train-men. There is a recognized system of promotion in the service. There are no special rules in force to insure the competency of engineers. A man must serve a certain length of time as a fireman, and then the general master-mechanic and superintendent must be satisfied that he is competent to run a locomotive before he is allowed to do so. Conductors are always promoted from brakemen.

## WEST SHORE RAILROAD COMPANY.

[By J. D. Layng, General Manager.]

This company has no insurance or guaranty fund of any sort provided for the employés of our company.

The company has no eating or lodging rooms for train-men, but, under the auspices of the Young Men's Christian Association, has in successful operation reading-rooms at Weehawken, New Durham, Frankfort and Buffalo.

There is no special provision made by our company for technical education in its shops. All promotions are made, as a rule, in the order of age of service, competency being at all times considered.

All the engineers and conductors are required to pass an examination by the head of the motive power department of the division superintendents before being allowed to assume charge of an engine or train.

## WHEELING AND LAKE ERIE RAILWAY COMPANY.

[By M. D. Woodford, Vice-President and General Manager.]

We have no insurance fund or guaranty fund of any sort on this line. We own no eating or lodging houses for train-men when away from home, but arrange with parties to conduct such establishments near our track, so that they can have proper places for getting meals and lodging. We give the proprietors of such places as many facilities as we can, so as to make their location permanent. We have no provision for technical education in our shops. Our promotions are in the order of age and competency, but we have no especial rules governing this.

## WISCONSIN CENTRAL COMPANY.

[By S. R. Ainslie, General Manager.]

This company has no insurance or guaranty fund of any sort provided for the employés of this company upon which they have a right to draw in case of sickness or accident, or from which payment may be made to their families in case of death, etc. We have never endeavored to establish such a fund, and can not, therefore, say whether same would be objectionable or acceptable to employés of this company.

This company has no regular eating or lodging houses for train-men when away from home, but we have a regular form of meal ticket which is issued to employés, and same is honored at any of the company's eating-houses, and at a great many boarding-houses along the lines of this road. In regard to reading-rooms and places of resort, I will say that this company contributes a certain amount each month to the Young Men's Christian Association reading-rooms at the different division headquarters of this company, with the understanding that said reading-rooms are to be open at all times to the employés of this company.

In regard to men in shops receiving a technical education, thereby fitting themselves for service with our company, I will say that no regular organized system is established, but they are aided in every way possible in securing such education by those in charge; but of course the efficiency obtained depends a good deal upon how a

man devotes himself to the work engaged in. In regard to the matter of promotion, we adopt strictly civil-service principles, the man next in line of promotion being given the preference where his ability and knowledge fit him for the position. All train-men and engineers are subjected to a rigid examination before being assigned to their respective duties.

## RELATIONS EXISTING BETWEEN RAILWAY CORPORATIONS AND THEIR EMPLOYÉS.

### INSURANCE, RULES OF APPRENTICESHIP, AND GRADES OF SERVICE.

#### LABOR ORGANIZATIONS.

Some facts appearing in the answers of the heads of several labor organizations, viz : The Grand Lodge Brotherhood of Locomotive Firemen, Brotherhood of Railroad Brakemen, Order of Railway Conductors of America, Grand International Brotherhood of Locomotive Engineers, and the Switchmen's Mutual Aid Association of North America ; also letters of Harry J. Gray, secretary of Shop Employés' Mutual Aid Society, St. Paul, Minneapolis and Manitoba Railway, and E. R. Bristol, of the Railway Employés' Club, Chicago, Milwaukee and St. Paul Railway, with accompanying pamphlets, on August 12 the following circular was sent by the secretary of the Interstate Commerce Commission to railroad journals as a matter of news, to railroad commissioners for information, and to the heads of organizations of railway employés for answer.

#### CIRCULAR.

#### INTERSTATE COMMERCE COMMISSION,

*Washington, August 1, 1889.*

DEAR SIR: A knowledge of the facts regarding the relations which exist between the railway corporations and their employés is always of public importance and may be particularly useful to the Commission in some cases in order to enable it to perform its duties in such manner as best to subserve the interests involved. Believing, therefore, that you will willingly co-operate in obtaining the facts, you are respectfully requested to transmit to this office a reply to the following questions:

(1) Is there an insurance fund, guaranty fund, or any other fund from which the members of your order may receive payment in case of sickness or accidental injury, or from which their families may draw in case of death? If such fund exists please state when it was established, and whether by the railroad corporation or the employés; how it is accumulated; how maintained, and give any other facts that may be important to a full understanding of its history and workings. If no such fund exists please state if its establishment was ever attempted; if so, to what extent, if at all, the attempt succeeded, and why it failed.

(2) Does your order insist upon any rules of apprenticeship, and if so, what are they? If a foreman or brakeman can only become engineer or conductor after a term of service, please state what that term is.

(3) In the case of engineers and conductors, are their grades of service recognized either by the order to which the employés belong or by the employing company? If so, what are those grades, and what are the conditions for passing from one to the other? In the case of men engaged in shop work, are promotions made from the ranks of the employés or are men brought from the outside to fill the positions of foremen and the like? If no recognized custom exists, please state whether it has been the subject of discussion hitherto, and what has been the impediments, if any, to its establishment. Copies of papers or documents bearing upon these questions and calculated to elucidate the subjects will be thankfully received.

By order of the Commission.

EDW. A. MOSELEY,  
*Secretary.*



## CHIEF ARTHUR AND THE ENGINEERS.

On August 14, Mr. P. M. Arthur, Grand Chief Engineer of the International Brotherhood of Locomotive Engineers, replied substantially as follows:

"The Brotherhood of Locomotive Engineers established an insurance association in December, 1867. It is optional with the members of the brotherhood to take out policies. Certificates of membership are issued to the amount of \$4,500, and it is discretionary with the members whether they take out one, two, or three policies, each one calling for \$1,500. In the event of death pay is according to the number of policies held, and the same amount is paid for the loss of a hand, foot, or limb, or total loss of eye-sight. We have paid through this channel to widows and orphans of disabled members of the association \$2,500,000.

"Many of our subdivisions have also established so-called weekly-benefit societies, which pay to the members from \$10 to \$12 a week at a cost of 50 cents a month to each member. We have also in use by divisions a form of charity blank for a member who has been sick, out of employment, or in need. It is filled out and sent to the convention by the delegate of the division. Such claim is there examined and the amount determined. We distribute each year from \$10,000 to \$12,000. This money is received from the profit on our Journal and other miscellaneous matter furnished the subdivisions. We had paid in this way about \$500,000. The relief fund now being introduced by the railway companies was unknown at the time we established our plan of insurance.

"No man can become a member of the brotherhood unless he is twenty-one years of age, has had one year's experience as a locomotive engineer, is of good moral character and temperate habits, and can read and write. As a rule engineers are promoted from firemen and conductors from brakemen. Length of service before promotion depends to a great extent upon the character of the man. Some of the roads are requiring examinations for promotion, but this was not so when I was in active service as locomotive engineer fifteen years ago. It is customary on all roads where merit and ability are equal to give the oldest in the service the preference of engines and trains.

"When a fireman is first promoted, as a rule he is placed on a switching train, then a construction train, a freight train, and a passenger train. The length of time he serves on each depends generally upon demand for road engineers and the ability of the man himself. On a majority of the roads promotions are made from the ranks of the employés, though there may be instances where men are brought from the outside to fill positions of authority."

Concerning the troubles arising over beneficiary organizations, Baltimore and Ohio troubles, and the recent attack of the Reading on the brotherhoods Mr. Arthur says:

"It is a mistaken policy on their part. They may feel aggrieved at the action of some of the members of these organizations, but they should not condemn all for the misdeeds of a few. Even if they succeed in preventing the men from joining for a time, sooner or latter they will identify themselves with some one of the labor organizations.

"The same trouble occurred in the early days of the brotherhood with the Grand Trunk road and the Chicago and North-Western, and from these examples it is seen that when men are dismissed for joining labor organizations it results simply in their meeting secretly in out-of-the-way places until they become thoroughly organized, when the dismissal of one means the discharge of all.

"It is in the interest of railway companies to aid and assist their employés to combine together for mutual benefit and protection. The brotherhood has been instrumental in giving the railway companies a better class of men than they would otherwise have had. Their laws are very rigid as to drinking, they having expelled during the last year three hundred and seventy-five members for intoxication; and whenever a man is detected dissipating he is punished and the officers of the road are notified of the same."

## MR. WHEATON AND THE CONDUCTORS.

On August 15 Mr. C. S. Wheaton, Grand Chief Conductor of the "Order of Railway Conductors of America," replied as follows:

"There is an insurance fund connected with our organization. It is on the assessment plan, and from it members derive a benefit in the amount of \$2,500 in case of total disability, or their heirs the same amount in case of death. The fund was established in 1882, and since that time there has been paid from the treasury of the fund over \$500,000. It is raised on the mutual benefit plan of \$1 an assessment on each member when a claim is approved, and any balance over the claim is kept till the sum of such balances over paid claims shall equal a claim, when no assessment is made. No railroad company contributes to its support. Many of our divisions have in their own by-laws provisions for the payment of sick benefits per week in case of sickness.

"Our order does not interfere in any way with the established rules of railway companies in the employment or promotion of conductors. An employé is not eligible to membership in the order until he has been found competent to take charge of a train as conductor and as such has been in the employ of the company for two years, and unless his moral character is sufficiently established to permit membership.

"We do not recognize grades in our order, as all men stand alike, whether they have run trains two or six years or whether employed as freight or passenger conductors. If a man is unfortunate and loses his position it does not change his position in the order. In short, we do not believe we have the right to interfere with the officers of the company in the handling of their men, or dictate to them whom they shall employ. However, if injustice is done to our men, we frequently intercede for them to secure justice for all."

## MR. O'SHEA AND THE BRAKEMEN.

On August 27 Mr. Edward F. O'Shea, Grand Secretary and Treasurer of the Brotherhood of Railroad Brakemen, replied in substance as follows:

"The Grand Lodge of the Brotherhood of Railroad Brakemen has a beneficiary fund in which all members participate. This fund is maintained by assessments, and in cases either of total disability or death the beneficiary or person named in the beneficiary certificate receives \$1,000. The fund was established in 1884, and up to date we have expended \$528,097.70, and at the present time we are paying one claim of \$1,000 per day. Our brotherhood also pays benefits to the sick and distressed, but each subordinate lodge takes care of its own cases and raises its funds by monthly dues. Many thousand dollars are expended each year.

"Our brotherhood has no rules of apprenticeship, but we believe that, other things being equal, the oldest brakeman should receive preference when promotion is to be made. This is not always done, as sometimes men are brought from the outside and get positions as conductors. This is one of the causes of dissatisfaction in the service. We have thousands of conductors in our brotherhood (promoted from brakemen since becoming members) who retain membership with us from choice, but they are all on equal footing in every respect with our other members.

"With few exceptions our brotherhood has had no differences with railroad companies, but on the contrary is recognized by most of the managers as a positive benefit to their employés, and consequently to the service of their road."

As to the "relief associations" Mr. O'Shea says:

"Some of the principal lines have lately organized so-called 'relief associations' for the ostensible purpose of 'caring for our dear employés,' but the real purpose is to undermine and ultimately to destroy the brotherhood and place the men entirely at the mercy of the corporations. The brakeman does not receive wages commensurate with the work he performs or the dangers he is compelled to undergo; hence he is unable to keep up his membership in more than one organization, and, as a portion of

his wages is retained each month for his membership in the relief fund, he has no choice in the matter. A protest will result in discharge, and a discharge forfeits all moneys paid into the fund. The relief fund is a delusion and a snare, and many of the brakemen know it from bitter experience."

The constitution and general rules of the Brotherhood of Railroad Brakemen accompanied Mr. O'Shea's letter.

#### MR. SARGENT AND THE FIREMEN.

On the 5th of September Mr. F. P. Sargent, Grand Master, replied for the Grand Lodge Brotherhood of Locomotive Firemen, accompanying his letter with the constitution of the order and copies of the agreements between locomotive engineers and firemen and railway officials. His reply is mainly as follows:

"The Brotherhood of Locomotive Firemen was first instituted in 1873 as a benevolent insurance association. The system of paying benefits was this: A certificate of membership was issued to each member under seal of the association, and such certificate of membership constituted a life-insurance policy. The certificate stated for whose benefit the insurance was made. It also stated the agreement on the part of the association to pay to the party or parties as above, or to the legal heirs or representatives of the same, the sum of 50 cents from each and every member of the association in good standing at the time of the death of the insured, providing the number of members should not exceed 2,000.

"On the death of a member proof is made by the proper officials, and the claim is laid before the finance committee and if approved an order on the sinking fund is drawn for a sum equal to 50 cents a member (in good standing), provided the number of members does not exceed 2,000; but if the number does exceed 2,000, an order for \$1,000, the maximum policy, is drawn. There is a disability department, also, under the same rules and same officers, but with a separate sinking and expense fund. Each member can join either or both. Each has a separate entrance fee and separate certificate of membership. The accounts are kept separately, and each bears its proportion of the general expense of the association pro rata, according to the number of members. The system was changed in 1881, and became a compulsory feature of the order. The amount of insurance in each case was made \$1,000. The assessment remained the same, *i. e.*, 50 cents. Any member refusing to pay an assessment is suspended until such arrearage is paid. Claims are issued not exceeding three per month, and the several surpluses over \$1,000 on each claim are preserved until such surplus has reached \$1,000, with which a claim is paid without assessment. Total disability is treated the same as a death claim, as is also the loss of an arm or leg or eye-sight.

"This system remains in effect at present save that the policy was increased to \$1,500 in 1884. It has been the principal feature of the order and one of the cheapest insurances offered to locomotive engine men. From the organization of the order till February 1, 1889, there was paid on death and disability claims \$1,352,000.

"The membership is now 18,000, every one carrying a policy of \$1,500 payable in case of death, total disability, or loss of eye-sight, hand, or foot. We disburse monthly \$25,000 in benefits.

"The order realizes the necessity of discipline, believes in railway companies recognizing merit, and asks to have the oldest firemen in service promoted when they are competent and worthy, and opportunity offers. We have no fixed time for a fireman to serve before promotion, leaving it to the judgment of the master mechanic under whom he may be, but we desire when a company wants engineers, that the firemen be promoted, the oldest in service being examined, and if found competent advanced. This will be an incentive to the firemen to be diligent and competent.

"Another desire of the order is to obtain employment for good firemen who through accident or neglect of duty have lost situations, yet whose accident or neglect would not debar them from following the occupation on another road. We do not insist



upon this, but hope to introduce it, believing that experienced men are preferable to those taken from the farm or shop. The relationship existing between the companies and members of our order is wholly harmonious."

#### MR. SIMSROTT AND THE SWITCHMEN.

On October 7 Mr. William A. Simsrott, Grand Secretary and Treasurer of the Switchmen's Mutual Aid Association of North America, wrote thus:

"We have a guaranty fund which is governed by the local lodges, and only pay benefits in cases of accident, sickness not included. In case of death or total disability we pay \$900. This regulation was established in March 1886. The fund is raised yearly at our annual convention and accumulates by a pro rata assessment on each member of the association.

"As to our rules of apprenticeship, it is necessary for any man desiring to join our association to have followed this vocation for one year; but we do not insist upon apprenticeship."

#### TWO OTHER OPINIONS.

Mr. Harry J. Gray, Secretary of Employés' Mutual Aid Society, St. Paul, Minneapolis and Manitoba Railroad, writes at the request of Mr. George Buck, locomotive engineer:

"We organized our Mutual Aid Society in December last and the benefits began January 1. We are satisfied with our success and feel assured of improvement. The number of members in good standing is 305."

Mr. E. R. Bristol, of the Railway Employés' Club, Chicago, Milwaukee and St. Paul Railway, who incloses a pamphlet containing constitution and articles of confederation, writes as follows:

"The beneficial department we have just started, with excellent prospects for the future; such changes as experience suggest will be made from time to time. Our club proper we started a year ago, being compelled to do so by hostile legislation. We then had a membership of 13,000."

## APPENDIX 12.

### RAILROADS IN FOREIGN COUNTRIES.

*Abstract of and extracts from papers transmitted from the Department of State to the Interstate Commerce Commission upon the subject of foreign railroads.*

#### CHINA.

Papers respecting railroads in China were as follows:

(1) H. E. Liu Ming Chuan's memorial on railroads. This was a memorial to Her Majesty the Empress, and was made in obedience to her command. It was devoted first to answering charges brought against railways, and second to the advantages they would bring to the Empire as a means of strength and defense and in promoting the industries and development of the country. On the last point the following quotation is made:

The memorialist, considering this the proper time when needed reforms must be made and strenuous exertions put forward for the public weal, repeats that China should at once encourage and develop her commerce, and appoint a high officer of clear discernment and incorruptible disposition to take direction of commercial and industrial affairs, such as tea and silk culture, iron and coal mining, reclamation of waste land, the manufacture of articles of merchandise, and kindred industrial enterprises should be undertaken by the wealthy classes and merchants, who are to supply their capital and formulate their own regulations. Officials should have no concern with the financial affairs of such companies, nor should they exercise other than a supervisory control, and to see that these mercantile enterprises suffer no injustice or undue restrictions at the hands of others. When these enterprises have once been established and are flourishing their operations will be extended to frontier provinces, and even to outside countries. When China has once taken the lead as the chief mining and industrial nation in the world, one or two scores of years will suffice to make her rich and populous, when the world will not be able to offer a peer.

(2) Like memorials to the Throne of H. E. Chang Chi-tung and Huang Pung-nien.

(3) The imperial decree sanctioning the Grand Trunk Railway, a line from Lukou-chiao to Hankow.

(4) Summary of the report of the admiralty board on railroads. The report sets forth the manifold uses of railways as follows:

- (1) They facilitate the operations of coast defense.
- (2) The expenses of maintaining local armies will be curtailed.
- (3) Transportation of troops and military stores will be expedited.
- (4) Trade and commerce will flourish.
- (5) Mines will be opened and profitably developed.
- (6) Traveling will be facilitated.
- (7) A regular expeditious mail-service will be established.
- (8) The conveyance of famine relief will be prompt and rapid.

It also dealt with the respective routes proposed and their relative advantages and cost, the necessity for government subsidy and of native and foreign loans, and urged the point of the increased wealth and greater power of self-defense which railways will give to China.

The memorials alluded to were very able and interesting discussions of the question whether China should adopt the policy of railroad building; but on account of

the fact that the question has long since been settled, so far as it pertains to America as well as on account of the great length of the documents, they are omitted from this Appendix.

In transmitting these papers to the Secretary of State, Hon. Charles Denby, American minister at Peking, says in his communication of September 16, 1889, "It may be said that at last a new era of progress is beginning in China which will redound to the benefit of both natives and foreigners," and predicts that Shanghai will now become one of the great cities of the world.

#### JAPAN.

Information transmitted to the Commission in respect of railroads in Japan was contained in a communication to the Secretary of State, under date of September 17, 1888, from Hon. Richard B. Hubbard, American minister at Tokio, inclosing a general summary of the report of the railway bureau of Japan for 1887. The following quotations are made from Mr. Hubbard's letter :

The report of the Japanese railway bureau for the period from April 1, 1887, to March 31, 1888, seems to cover about all the information which is of interest as to the number of railroads in operation, under construction, and contemplated; the cost and details of construction, the cost of operation, the amount of capital invested, the revenue and net profit, the number of locomotives, cars, etc., in use, the value of plant, etc., of the lines under its jurisdiction.

The total number of miles of railway in operation, besides the Hokkaido Railroad in northern Japan, at the end of the fiscal year was 533, of which 245 is of Government lines and 288 of the Nippon Railroad Company's lines, interest on whose bonds is guaranteed by the Government.

The income on the total capital invested in Government lines was 38 per cent. and on the total productive capital 58 per cent.

The average cost of the 245 miles of Government railway has been Yen\* 71,863 per mile.

In the table of the cost of the Nippon Railroad Company's lines, the cost per mile of the three different sections is put down as Yen 32,754 Yen 21,260, and Yen 15,025, respectively.

All the railways in Japan, except the Hokkaido Railroad (not mentioned in this report, and which is on the American system—61 miles), have been built and are being extended on the European system.

Many of the lower class of cars are now being built in Japan, while most of the first-class cars and nearly all the locomotives are purchased in Europe, most of the locomotives coming from England, as well as about two-thirds of the foreign built cars; while Germany has supplied about one-third of the cars imported from abroad in the past few years.

All the rails have come from England and Germany, the two countries furnishing nearly equal amounts in 1887, though prior to a few years ago England had nearly all the rail trade of Japan.

As to further railway building in Japan there remains of the Yokohama Kodzn line (Government railway) 174 miles to be completed, and which is now being pushed forward, and will be finished by March 31, 1889.

The Nippon Railroad Company hope to finish the remaining 241 miles of their road also as soon as possible, work on which is progressing.

In addition to the above there will be about 1,400 miles of railway either surveyed, contemplated, or under consideration by the Government and by private companies, which the railway bureau calculates will be built in the next ten years, and estimates the expenditure on the same will be made at the rate of about 10,000,000 yen per annum, three or four tenths of which it is estimated will go abroad for material.

This does not include roads in the Hokkaido, which were originally constructed on the American plan, and which I have had intimated to me will be extended at no distant day on the same plan, but I have no positive information as to the extent of the proposed lines or when the work will be undertaken, though information has reached me in quasi official manner that two American engineers have been engaged to make the survey and are now en route for Japan.

This Hokkaido line is not treated of in the inclosed report because the railway bureau has no control or jurisdiction over this line, it being under that department of the government known as the "Hokkaido Administration."

If we add this 61 miles of road to the 533 miles of road in other parts of Japan, we find that the number of miles of road actually in operation in this country is 594.

\*Yen is \$1.008.



## PERSIA.

The only information as to railroads in Persia reported to the Commission is a letter of the Hon. E. Spencer Pratt, minister resident and consul-general at Teheran, under date of September 28, 188, directed to the Secretary of State, as follows:

SIR: In my No. 32 consular series of the 4th instant I had the honor to inform the Department on the subject of two Persian railways, one recently completed between Teheran and Shah Abdoul Azim, and the other in course of construction from the town of Ambol to Mahamdated on the Caspian Sea. I have now the honor to report that information has reached me through most trustworthy private sources that the Shah's government has just been asked by the syndicate which constructed the Shah Abdoul Azim line to cede it, in addition, the exclusive right to connect by rail the cities of Konin, Teheran, and Casrine, with the intention of seeking later on the further grant to extend this system from the latter point northward to the Caspian Sea, and from the former southward to the Persian Gulf.

## NORWAY AND SWEDEN.

Information as to railroads in Norway and Sweden is contained in two letters of Hon. Rufus Magee, American minister at Stockholm, to the Secretary of State, written in February and April, 1888. In the first letter he says:

I have personal knowledge of the construction of a part of a line of railway in this kingdom the past year that is not without some interest, in the fact that it is the most northern railway in the world.

A few years ago a company was organized, ostensibly English, to build a line of road, commencing at a town named Lulea, on the west coast of the Bay of Bothnia thence in a northwest direction to Ofoten, at the head of the west Fiord on the Norwegian coast, in latitude  $65^{\circ} 50'$  north.

The distance from Lulea to Ofoten is about 300 English miles. At first quite an opposition was manifested against granting a charter to the company, it being charged that the enterprise was a Russian one, and by this means Russia could gain her long desired wish of an outlet to the North Sea.

Ultimately, however, the concession was granted and the work has now been under progress for two years. Dutch capitalists furnished the money, while English enterprise is in control of the work. Seventy-two English miles are now finished.

The object of this road is to convey to sea-board the iron ore in the interior of the country and heretofore practically inaccessible. This ore is the richest in the kingdom, running as high as 75 per cent., and it is expected a very great market will be created for it; especially in Germany, as its nearness, cheapness, and richness of quality will be potent factors in its contest with the Spanish ores, which are at present used in Germany.

The port of Oferten is open all winter and vessels of the largest size can enter West Fiord.

The Baltic ports are, however, closed after October and remain so until the last of May. Notwithstanding the extreme degree of cold in the latitude (the railway crosses the arctic circle), I am informed men can work mines and forests without much discomfort, and that no difficulty is experienced in procuring laborers.

The railroad is now being built, commencing at Sundsvall, about 250 miles north of Stockholm, running along the Bothnia coast to Lulea, but it progresses slowly and it will be some years before it is completed. When finished there will be a continuous rail-line from Stockholm to the arctic circle. This line is owned by a Swedish company.

I may add that all railway lines in the United Kingdom, so far as my experience goes, are better ballasted and equipped with better rolling-stock and comfort in traveling than any other country in Europe, save, perhaps, in Great Britain, and are certainly equal to that country.

There has not been an accident on a Swedish line since my residence in the country, which of itself is the best commentary on the general management. I trust I may be able to forward the publications requested within a very short time.

In the second letter Mr. Magee says:

Under date of February 14 I addressed a note to the department, in which I submitted eight questions and to which I asked replies. My purpose was to elicit fuller information than I was enabled to gather from the voluminous and altogether unsatisfactory volumes of statutes furnished by the department, the latest of which was for the year 1885.

My first inquiry:

1. The number of miles of new railway (state as well as private) added to the system for the year 1887.

Answer. During the year 1887 there were 17 English miles of state and 52 miles (English) of private railroads constructed and opened for traffic.

2. Under what authority are the roads managed?

Answer. The state railroads are managed by separate departments, called "royal administration of railroad traffic." The private roads are managed through boards of directors annually chosen by the share-owners. The royal administration exercises a supervisory control over the private roads, see that the lines are kept in repair, regulates traffic, fixes rates, etc., which require the approval of the King. Tax assessments are likewise fixed by His Majesty. Regulation of service for both systems is made by the royal administration. The King appoints one director on the board of a private corporation that has received assistance from the state, and also appoints agents to audit the accounts of such railroads and to report to him upon their management.

3. The number of miles (English) of state and of private railways being operated in the two kingdoms for the year 1887.

Answer. There were 1,551 miles of state and 3,040 miles of private railways under operation at the close of the year 1887.

4. The aggregate amount of capital invested including cost of construction and equipments.

Answer. The cost of building and equipment of state roads (1,551 miles) up to the 31st of December, 1887, amounted to \$63,946,721. The cost of private roads for the same period amounted to \$68,437,564 for 3,040 miles.

5. The per cent. of profit derived.

Answer. The surplus, after cost of maintenance and operating expenses were deducted, amounted on the state roads to 2.41 cents on the amount invested, while on the private roads the per cent. was 3.54 cents.

6. The character and extent of royal grants, including lands, etc., made to private corporations in aid of construction.

Answer. The state has assisted some private roads with loans, and allows generally the private roads to use Crown lands, rock from Crown quarries, and gravel necessary for construction. The state has loaned to private roads, for which it holds the bonds of the companies, the sum of \$12,893,555. It has for the same purpose appropriated without obligation for repayment the sum of \$1,053,992.

7. The amount of indebtedness incurred by the kingdom on account of railroads and the annual interest charged laid thereon.

Answer. The amount of the funded debt created in constructing railroads is \$65,548,861, and the interest thereon is at an average of 4 per cent. per annum. The revenues of the state roads, as well as of roads that have been assisted by the state, are deposited in the state bank. If there is a deficit in revenue the state appropriates, in case of state railway, sufficient to meet the requirement. The shareholders of private corporations must take care of their obligations.

I may add that the railway service in this country, the construction, equipment convenience, cleanliness, promptness, is far superior to what I have ever seen in Germany, France, or Belgium. There are usually four classes of wagons. The large majority of passengers ride in the third and fourth classes. First-class carriages are more expensive than the best service on American railways. The rate of speed is only about 20 miles an hour, but this includes stops which are very frequent and are from three to thirty minutes in length. The stations are large, usually constructed of either stone or brick, well lighted and warmed in winter-time, and have always connected with them a good café or restaurant. No person can enter a compartment without a ticket and all tickets are shown and punched before the train leaves the station. All passenger cars are heated by steam and lighted by gas. All trains are moved by signal and from the moment of arrival to its departure from the station is under the authority of the station-master. Every employé is uniformed and wears a badge designating his position. Every 6 English, or 1 Swedish mile, there is a signal-house with telegraph apparatus and occupied by two persons called track walkers. Upon the passage of a train it is signaled ahead, while the men walk in opposite directions on the track one-half the distance to the next signal station for the purpose of inspecting the road. Every possible means is taken to prevent accidents, and in my now nearly three years' residence in this country there has not been a life lost in the railway service or any accident.

No one is permitted to walk or to be on or within the right of way or to loiter about stations or grounds of the company. The masonry used in the building of piers, abutments, etc., is of the most substantial character, while all bridges, culverts, and trestle-work are of iron. The track is usually ballasted with gravel, with stone gutters to carry off the water, while the banks or sides of both cuts and fills are sodded. The railroads of no country can possibly be superior or even equal to those of Sweden in respect to the construction, and they well might serve as models. There is perfect security and much more than ordinary comfort in traveling, the only drawback to the American traveler being the slowness of time. The roads are managed in the in-

terest of the people. There is no speculation in their shares, there is no adverse criticism of their management, and the total results are that so far as it goes it is one of the best if not the best railway system in the world. Certainly in many respects it is superior to American.

There is but one road at present under construction by the state. That is a road leading from Sundsvall, 225 English miles north of Stockholm, running interior from the Baltic coast to Umea. The physical difficulties in constructing this line are very great; there are a large number of rivers, fiords, and streams to bridge, together with granite rock excavation. The line can never be remunerative, but it is undertaken by the state as a matter of defense. The Russian Government has constructed a line of road from Helsingfors, on the Gulf of Finland, to Uleaborg, on the Bothnia, and is building a line from the latter point to Haparanda, at the head of the Bay of Bothnia, at the extreme western limit of its territory. Sweden feels apprehensive, and hence is building the line I have mentioned.

#### NETHERLAND RAILWAYS.

From a communication addressed to the Secretary of State, under date of August 12, 1886, by Hon. Isaac Bell, jr., American minister at The Hague, it appeared that he had addressed a list of interrogatories to the minister of foreign affairs covering the principal points in relation to the administration and operation of The Netherlands railways.

From the reply it appears that some railway lines belong to the state and others to private companies, but all are operated by private companies.

The length of the state railways in 1885 was 1,299,830 kilometers. The cost of construction and extension amounted on the 30th of June, 1885, to Fl.\* 227,566,720.

The aggregate length of the six principal railways amounted at the end of 1884 to 1,113,504 kilometers.†

The cost of construction and extension of the railways belonging to the companies worked by the association for working state railways—the Holland Railroad Company, The Netherlands Rhine Railway Company and the North Brabant German Railway Company—amounted to Fl. 127,830,372.

No railways are worked by the state.

When the railways were completed the working of them was made over to private companies, and most of the lines to the association for working state railways, and the others to the Holland Railway Company.

The conditions under which the working of the state railway is carried on by the companies aforesaid are carefully stated in written agreements.

In making over the working of the railways to private companies the Government was influenced by the motive that, from the nature of the subject, the working of railways was to be regarded as an object of private industry and that the Government was moving out of its sphere in undertaking it.

Under a statute passed in 1875 the tariffs required the sanction of the Government.

Within the restrictions of the law, freedom of action is left so far as possible to the railway companies.

The competition with water carriage, as also of the other railway companies, induces transportation at low rates without making distinctions between native and foreign produce.

The terminal charges and the costs of loading and unloading are variable according as they are connected with one class or other of transport.

The charge for conveyance and delivery is included in the charge for goods sent by rail.

No general tariff is in force for the whole of the Netherlands. Both as regards the tariff and system, and the uniformity of rates and terminal charges, the tariffs of the railway companies are different.

All the tariffs, the general as well as the special and exceptional ones, after they have been drawn up by the railway companies, must be submitted to the approval of the Government. When they have been approved, before they are brought into operation, the tariffs must be published in the manner prescribed in article 28 of the law of the 9th of April, 1875. Article 31 of this law sets forth the cases in which the railway companies are empowered to allow reductions on the published tariffs, by special arrangements.

In fixing the charges of the railways which were first worked in this country, attention was directed to the charges made on the railways in the countries adjoining.

In case of the railways completed later on in fixing the charges experience acquired

\* Fl. is \$0.486.

† Kilometer is 0.6213 of a mile, or 3,280 feet 10 inches.



up to that time was utilized, regard being also had to the changes gradually introduced in the tariffs of the railways in neighboring states.

Tariffs are sometimes fixed upon consultation of the directors of railway companies with the representatives of trade and agriculture.

The aggregate receipts of the six principal railways amounted in 1884 to 24,048,286 florins.

The expenses of the same railways in 1884 amounted to 18,259,496 florins.

As regards the principles on which exceptional and differential tariffs may be granted, the minister of "waterstaat" trade and industry decides.

In the treaties for regulating the continuation of the railway lines on the Netherlands and Belgian and on the Netherlands and Prussian frontiers concluded between the Netherlands and Belgium and Prussia, it was stipulated that the Governments concerned shall take care that, on the aforesaid railways, for every train passing the frontier a tariff shall be adopted as moderate and as simple as possible.

It is further agreed that in the manner and in the charge of conveyance the travelers and the goods in each territory shall be treated in the same way.

By article 31 of the law of the 9th of April, 1875, the railway companies are bound to convey passengers and goods not prohibited by law for the charges contained in the published tariffs and under the conditions fixed by the regulations, without showing favor to particular persons, associations, companies, or corporate bodies.

In certain cases (mentioned in the same article) the companies may make special arrangements with one or more carriers to convey goods at a lower charge than that in the published tariff.

The reductions granted in this way are at once applicable to all merchandise of the same character, to be conveyed on the same railway and under the same conditions.

#### DUTCH COLONIAL POSSESSIONS.

As to railroads in the Dutch colonies it appeared from the report of Mr. Bell that the length of railway lines in the island of Java is in the neighborhood of 1,177 kilometers and in the island of Sumatra 55 kilometers.

#### RUSSIA.

Hon. George V. N. Lothrop reported to the Secretary of State in March, 1888, that the railways in Russian Europe are in the aggregate about 17,500 miles.

Some were built by the Government, but the greater portion has been built by private corporations but with the Government aid, and in nearly all cases this aid has been furnished by imperial guaranties of the railway securities. The system as a whole is far from remunerative, and the Government has to pay annually a large sum on this account, about 15,000,000 roubles, I believe.

For several years there has been but little new railway constructed in European Russia; it is said only about 400 miles a year for the last five years, and even this chiefly for strategical purposes.

The great Trans-Caspian Railway, from the Caspian Sea to Samacrand, is not under the jurisdiction of the minister of ways and communications.

It has been built and is managed by the ministry of war, and if my information is correct, it is not likely at present to be of any great commercial value. But for the governmental needs in Central Asia it must be of very great importance.

The financial condition of Russia is such at present that new lines of railway are not favored, and the imperial aid has been refused for several important projects. Except by the completion of work already begun, I think there will be no railway construction this year.

#### RAILROADS OF THE ISLAND OF TRINIDAD.

In respect to railways on this island, Hon. Moses H. Sawyer, consul, reports as follows:

There are 54½ miles of railway on this island, all belonging to the Government. The dates when the various lines were opened to use were from 1876 to 1886. The lines from Port of Spain to "Arimia" extends about 16 miles in an easterly direction.

That from Port of Spain to San Fernando reaches about 31 miles in a southerly direction, and the one from San Fernando to Princetown has 7 miles in an easterly direction.

These railways extend through fertile plains, and along the sugar and cocoa plantations. The crown claims a right of way, but pays a compensation to private property of about £20 per acre on the average. The materials for constructing these railways were mostly brought from England.

Telegraph and telephone connections are established along the lines. Towns and villages are appearing, and the population, principally negroes and coolies, is rapidly increasing. Manufactures are in demand, which are imported from England.

## RAILROADS IN URUGUAY AND PARAGUAY.

In March, 1888, Hon. John E. Bacon, minister resident, reported in respect of railways in Uruguay and Paraguay as follows:

In reply to the circular of the State Department, dated January 24, 1888, desiring certain information for the Interstate Commerce Commission, I respectfully submit the following, which applies to both Uruguay and Paraguay:

(1) There are no general laws as to railways.

(2) Railways and railway charters are obtained and built in the following manner: A, or B, or a company, applies to Congress for what is here termed a "concession" (charter) to build a railway between certain points, upon certain terms named in the petition.

Congress grants the concession in such shape as it may deem proper. The terms and conditions, however, upon which such concessions are granted are generally as follows:

(1) Stock, materials, etc., to be exempt from taxation for twenty years.

(2) Employés, officials, etc., to be exempt from military duty.

(3) The company to have so much land on both sides of the road.

(4) The right to colonize such lands, with such privileges as are granted by the Government to immigrants and colonies.

(5) The Government to guaranty 5 per cent. per annum on all sums invested in railways for twenty years.

## RAILROADS OF THE ARGENTINE REPUBLIC.

From the message of the President of the Argentine Republic, delivered May 8, 1888, extracts are made as follows:

Of the seventeen railways recently conceded, thirteen have the guaranty of the Government. The guarantied lines represent a length of about 7,961 kilometers, and those without a guaranty 1,272, making together 9,233 kilometers.

The aggregate length of the railways is 6,306 kilometers, and they have carried 7,657,406 passengers, and 3,705,086 tons of goods. The gross proceeds amounted to \$23,805,722.29, and the expenses to \$13,177,172.15. The net proceeds were therefore \$10,627,950.14. It would be contrary to the nature of this document to enter into greater details which would demonstrate the unsatisfactory condition of our railways, but the figures mentioned are sufficient foundation for an unfavorable inference.

A more careful examination would show that there is not a single company which pays regard to its real obligations to the public, or which serves the country in the measure contemplated by the authorities in making the concessions. The railway traffic might in some places be doubled or trebled and in all cases it might be considerably increased and give greater returns, thus facilitating a reduction of the tariffs and diminishing the sacrifices made by the treasury in respect of the guarantied lines. But the deficiency in rolling stock on all lines, the actual penury of many of them, which have come into existence, it may be said, with that organic defect, sterilizes the complaints of the public and the protests of the authorities, unhappily powerless to surmount the difficulties of the moment.

Then follows a long presentation of embarrassments in railway operations growing out of defects in the railway laws, and of remedies that should be adopted.

On August 10, 1889, Hon. Henry L. Vilas, secretary of legation at Buenos Ayres, addressed the Secretary of State as follows:

As showing the remarkable activity in railroad matters in this country at the present time, I send herewith to the Department, as inclosures, statements of some of the more important applications for concessions, etc., made to the national congress; and the provincial legislation at La Plata, during the present sessions; notices of the action as to other projects; and accounts of the sale of concessions heretofore granted.

The feverish rush for railway privileges is such, that at their last sitting the La Plata deputies unanimously decided that henceforward all applications for right to build railways or canals with guaranty of state, must bear a thousand dollar, and when no guaranty is asked a five hundred dollar stamp. This law is already in force in the national congress, the present attitude of which seems to indicate also

that the practice of granting concessions with a guaranty, commonly of 5 per cent. on cost of construction and operating expenses, will not be long continued, in view of the far from nominal weight of the present obligations of the Government in that regard.

All the railway concessions presented congress this session are awaiting the action of the department of national engineers and of the national railway board.

The minister of the interior has issued a decree ordering the president of the national railway board and the inspector-general to draw up a railway map showing the railways constructed and in course of construction, and more particularly the railways that should be constructed, as necessary to the country.

The draft of this map shows 27,000 kilometers of railway. When completed I will request copies thereof and send same to the Department, if desirable.

## RAILROADS OF CHILI.

In response to the circular of the Secretary of State, dated January 24, 1888, Hon. C. M. Seibert, charge d' affaires *ad interim*, replied as follows:

In reply to circular, dated January 24, 1888, in which application is made, through the Department of State, by the Interstate Commerce Committee, for such publications relating to the railroads and internal communications as are issued by foreign governments, etc., I have the honor to inclose a list of all railroads in Chili, owned either by the government or private companies or individuals, giving their length and the names of the cities and places from and to which they run, also the cost of the state railroads, which are the roads for general traffic, together with a list of roads to be built, for which Congress has made appropriations. In a separate box I also inclose—

(1) Two volumes, being the second and third "report presented to the minister of the interior by the director-general of the State railroads."

(2) A book containing regulations and tariffs on the State railroads.

(3) And general regulations of the State railroads.

From these documents the following facts appeared:

*Railroads owned and operated by the State.*

	Kilometers.
(1) The railroad from Valparaiso to Santiago, commenced in 1852, touching at Vina del Mar, Limache, Quillote, Las Vegas, Llaylay, etc. ....	187
With a branch from the station of Las Vegas to San Felipe and Losandes .....	45
(2) The railroad from Santiago to the south, commenced in 1857:	
First section, from Santiago to the river Maule, touching the cities and towns of San Bernado, Bancogna, Bengo, San Fernando, Curico Molina, and Talca, with a branch westward from San Fernando to Palmilla, passing by Nancagua 33 kilometers .....	304
Second section, from the river Maule to Talcahuano and Angol, with a branch from Santa Fé to Los Angeles, touching at San Javier de Loncomilla, Linares, Parral, San Carlos, Chillan, Bulnes, Fumbel, San Bosendo, Talcamavida, Gualgui, and Concepcion ..	413
From the city of Angol to Traiguén .....	72
From Renaico to Fort Victoria .....	75
Total .....	1,096
The cost of construction up to December 31, 1886, was .....	\$46, 389, 096
And of the last two mentioned roads to December 31, 1887 .....	4, 715, 456
Total .....	51, 104, 552

Railroads owned and operated by private individuals, principally in the northern part of Chili, connecting mines and mining districts with the ports along the coast (mostly narrow gauge and not for general traffic):

	Kilometers.
From the port of Arica to the city of Tæna .....	63
From the port of Psiagua to Tres Marias, 90 kilometers, and a branch to Agua Santa, etc., 16 kilometers .....	106
From the port of Iquique to Tres Marias, 109 kilometers, to Virginia, 31 kilometers, with branches and sidings .....	194
From the port of Patillos to saltpetre beds of the south .....	93
From that of Mijillones of the south to the mines of Cerro Gordo .....	29



Kilometers.

From that of Antofogasta, by the Salinas of Dorado, to the town of Calama, and in direction of the borax deposits of Ascotan on the borders of Bolivia, and which is to be continued for some kilometers in the interior to the rich silver mines of Huanchaca.....	297
From that of Taltal to Refresco .....	82
From that of Chauaral to the mines of Las Angimas and of Salado.....	60
From that of Caldera to the town of Copiapo and the mines of Puginos, San Antonio de Apacheta and Chauarcillo.....	242
From that of Carrizal Bajo to Carrizal Alto, via Barranquilla and Canto del Agua, 36 kilometers, and from there to Cerro Blanco to the east, 45 kilometers .....	81
From the port of Coquimbo to the city of Serena and La Campana.....	15
From the same to Oralle and a branch to Pañdcillo .....	123
From Serena to Elqui and to the town of Biradavia to the east of the town Vicuna .....	78
From the port of Yungoy to the mines of Yamaya.....	55
From the port of Laraguete in the Bay of Aranco to the coal mines of Iinlachanguin and Maguaque.....	40
<b>Total</b> .....	<b>1,558</b>

Railroads to be built by the state, being laid out and surveyed, and some in progress of being built, and for which the last congress has voted for the year 1888, 3,517,000, to wit:

Kilometers.

From Fort Victorio to the cities of Osoromo and Valdivia .....	403
From the station of Coihua to Mulchen .....	43
Concepcion to Curanilahue, Lebu, and Canete.....	160
From the port of Tomé to the present southern line, passing the towns of Quirihue and Canquenes .....	200
From the city of Talca to Constitucion .....	85
From the station of Palmilla to the port of Picheleum .....	45
From the station of Pelequen to the village of Peumo .....	35
From Santiago to Melipilla.....	59
From the principal station at Santiago to the Central Market, and from there east by the River Mapoche to Bonechea or Peñon .....	27
From the station of Calera to the city of Ligua and the village of Cabildo ....	76
From the Port de Vilos to Illapel and Salamanca.....	128
From the city of Oralle to San Marcos Point .....	60
From the port of Huaso to Freirina and Vallenar.....	48
<b>Total</b> .....	<b>1,369</b>

## MEXICO.

Information concerning railroads in Mexico was received through the Secretary of State from Hon. Thomas Ryan, the American minister. It consisted of a series of fourteen papers descriptive of the Mexican railway system recently published in the City of Mexico. Among those papers were tables, printed as received, as follows:

## STANDARD GAUGE LINES.

Name of railway.	Total length.	Length of sections in operation.	Names of sections.
	<i>Miles.</i>	<i>Miles.</i>	
Mexican Railroad .....	569	424	Mexico to Vera Cruz.
Do .....		47	Apizaco to Puebla.
Do .....		98	Vera Cruz to Jalapa.
Merida and Progreso Railroad .....	36	36	Merida to Progreso.
Mexican Central Railroad .....	2,648	1,970	Mexico to Paso del Norte.
Do .....		23	Silao to Guanajuato.
Do .....		165	Tampico to Salto
Do .....		6	San Luis Potosi to La Soledad.
Do .....		225	San Luis Potosi to Aguas Calientes.
Do .....		259	Trapatto to Guadalajara.
Sonora Railroad .....	422	422	Guaymas to Nogales.
Mexican International Railroad .....	634	616	Piedras Negras to Torreon.
Do .....		18	Sabinas to San Felipe.
Chalchicomula Railroad .....	10	10	Chalchicomula to San Andres.
Orizaba and Ingenio Railroad .....	5	5	Orizaba to Ingenio.
Tehuantepec Railroad .....	108	61	Salina Cruz to San Geronimo.
Sinaloa and Durango Railroad .....	62	62	Culiacan to Altata.
Santa Ana and Tlaxcala Railroad .....	8	8	Santa Ana to Tlaxcala.
Tehuacan and Esperanza Railroad ....	50	50	Tehuacan to Esperanza.
Chihuahua to la Sierra Madre Railway.	5	-----	
Monterey and Gulf Railroad .....	50	37	Monterey to Cadereyta.
Cordoba and Tuxtepec Railroad .....	10	5	Cordoba to Amatlan.
Salamanca and Santiago Valley Railroad.	9	-----	
Orizaba and Nogales Railroad .....	5	6	Orizaba to Nogales.
Jalapa and Coatepec Railroad .....	13	13	Jalapa to Coatepec.
District Railroads .....	91	14	San Antonio Abad to Tlalpam.
Do .....		1	San Fernando Branch,
Do .....		5	Coyoacan Branch.
Do .....		3	Double lines and sidings.
Do .....		10	Belem to San Angel.
Do .....		2	Arbol Benito Branch.
Do .....		7	Double lines and sidings.
Do .....		15	Tlaxpana to Tlalnepantla.
Do .....		2	Branch to the Spanish Cemetery.
Do .....		4	Double lines and sidings.
Do .....		4	Peralvillo to Guadalupe.
Do .....		$\frac{1}{2}$	La Cantera Branch.
Do .....		$\frac{1}{2}$	Cemetery Branch.
Do .....		4	Double lines and sidings,
Do .....		3	Belem to La Piedad.
Do .....		2	Double line.
Do .....		3	Chapultepec to Dolores.
Do .....		2	Double line.
Do .....		4	Chapultepec to Morales.
Do .....		$\frac{1}{2}$	Siding.
Do .....		5	Lecumberry to Peñon.
Total .....	4,737	4,658	

## NARROW-GAUGE LINES.

Name of railway.	Total length.	Length in operation.	Names of sections.
	<i>Kilos.</i>	<i>Kilos.</i>	
Hidalgo Railroad .....	133	59	Irolo to Pachuca.
Do .....		20	Tepa to Somorriuel.
Do .....		54	Teoloyucan to San Agustin.
Vera Cruz and Alvarado Railroad ....	70	15	Vera Cruz to Medellin.
Do .....		55	Alvarado to Medellin.
Merida and Peto Railroad .....	67	66	Merida to Bolonchechen.
Mexican National Railroad .....	1,822	1,348	Mexico to Laredo.
Do .....		154	Acambaro to Patzcuaro.
Do .....		67	Mexico to El Salto.
Do .....		95	Manzanillo to Colima.
Do .....		6	Zacatecas to Guadalupe.
Do .....		120	Matamoros to San Miguel de las Cuevas.
Do .....		16	Belt Line.
Campeche and Calkini Railroad .....	65	6	Campeche to Lerma.
Do .....		59	Campeche to Pomuch.
Merida and Valladolid Railroad .....	84	46	Merida to Motul.
Do .....		31	Conkal to Progreso.
Tlalmanalco Railroad .....	20	20	Chalce to Hacienda de Zavaleta.
Nautla and San Marcos Railroad .....	25		
Toluca and San Juan de las Huertas Railroad.	13	13	Toluca to Hacienda de los Huertas.
Cardenas and Rio Grijalva Railroad ..	7	7	Cardenas to Rio Grijalva.
Merida and Sotuta Railroad .....	54	54	Merida to Tekanto.
San Juan Bautista and Paso de Ta multe Railroad.	3	3	San Juan Bautista.
Potrero and Cedral Railroad .....	24		
Marques and Zimapam Railroad .....	24	24	Marques to Astillero.
San Martian and Hidalgo Railroad .....	4		
Michoacan Railroad .....	4	4	Zamora to Jacona.
Nuevo Leon Railroad .....	10	10	Montery to Santacatarina.
Inter-Oceanic Railroad .....	555	340	Mexico to Perote.
Do .....		157	Mexico to Yautepec.
Do .....		47	Puebla to Atlixco.
Do .....		11	Vireyes to San Juan.
Total .....	3,849	3,418	



## TRAMWAYS.

States.	Cities.	Length.		
		Broad gauge	Nar-row.	Total.
		Kilos.	Kilos.	Kilos.
Aguas Calientes .....	Aguas Calientes .....	4	5	9
Federal District .....	Mexico.....	42	23	65
Durango .....	Durango .....		10	10
Guanajuato.....	Guanajuato .....		10	10
Do.....	Celaya .....	4		4
Do.....	Leon.....	5		5
Do.....	Irapuato.....		2	2
Hidalgo .....	Pachuca .....		4	4
Jalisco.....	Guadalajara .....		23	23
Do.....	Mexicalcingo .....		5	5
Do.....	Encarnacion de Diaz.....		3	3
Do.....	Lagos .....		2	2
Mexico .....	Toluca .....		2	2
Michoacan.....	Morelia .....	3		3
Oaxaca.....	Oaxaca.....		3	3
Puebla .....	Puebla.....	12		12
Queretaro.....	Queretaro.....	4		4
Do.....	San Juan del Rio .....	9		9
San Luis Potosi.....	San Luis Potosi.....		12	12
Sinaloa.....	Mazatlan.....		4	4
Sonora .....	Guaymas .....	3		3
Territory of Tepic.....	San Blas .....		2	2
Do.....	Tepic.....		2	2
Tamaulipas.....	Nuevo Laredo .....	2		2
Vera Cruz .....	Vera Cruz .....	8		8
Do.....	Cordoba.....	4		4
Do.....	Orizaba .....	11		11
Do.....	Tuxpan .....	2		2
Yucatan .....	Merida.....		10	10
Total .....	.....	112	122	234

TABLE SHOWING THE NUMBER OF PASSENGERS CARRIED DURING THE YEARS 1884 TO 1888, INCLUSIVE.

## NUMBER OF PASSENGERS.

Name of railway.	1884.	1885.	1886.	1887.	1888.
Mexican.....	\$389,420	\$377,511	\$361,260	\$380,133	\$356,759
Merida and Progreso.....	87,159	64,173	77,139	85,044	109,997
Federal District.....	9,926,351	9,407,751	18,841,928	11,121,575	11,055,952
Hidalgo.....	55,209	51,823	41,666	53,958	50,459
Vera Cruz and Alvarado.....	5,160	38,898	37,772	29,971	51,700
Merida and Peto.....	81,566	64,118	62,983	62,763	85,034
Puebla and Matamoros Izucar.....	117,093	.....	77,405	68,555	83,157
Mexican Central.....	761,687	694,894	569,655	797,693	.....
Mexican National.....	1,092,266	839,572	891,711	490,390	.....
Merida and Calkini.....	56,985	55,540	47,573	53,663	62,107
Sonora.....	36,397	47,271	45,298	38,139	35,531
Puebla and San Marcos.....	62,639	59,124	.....	.....	.....
Campeche and Calkini.....	38,310	20,518	17,701	13,220	10,981
Merida and Valladolid.....	75,541	100,015	132,210	175,901	187,967
Tlalmatlanco.....	40,211	41,225	41,091	47,808	41,943
Mexican International.....	15,942	9,833	10,411	9,796	41,170
Chalchicomula.....	14,218	10,928	9,994	9,794	9,172
Orizaba and Ingenio.....	87,315	34,921	79,700	.....	.....
Tehuantepec.....	.....	5,377	20,189	19,504	.....
Sinaloa and Durango.....	.....	15,824	23,736	23,487	.....
Santa Ana and Tlaxcala.....	117,560	174,204	156,676	156,676	.....
Interoceanic.....	420,982	401,430	366,662	384,196	620,915
Toluca and San Juan de las Huertas.....	.....	75,052	97,535	97,874	79,558
Tehuacan and Esperanza.....	18,343	15,049	12,942	14,818	14,448
Puebla and Texmelucan.....	143,743	145,956	.....	.....	.....
Merida and Sotuta.....	.....	.....	.....	42,812	78,102
San Juan Bautista and Tamulte.....	.....	.....	.....	.....	.....
Cardenas and Rio Grijalva.....	.....	.....	.....	.....	.....
Total.....	13,644,098	12,751,028	22,027,436	14,181,870	12,977,952

## RETURNS FROM PASSENGERS.

Mexican.....	\$655,458	\$603,608	\$604,278	\$655,312	\$620,651
Merida and Progreso.....	37,940	29,078	33,353	22,844	29,812
Federal District.....	717,264	690,457	746,107	810,976	800,998
Hidalgo.....	32,618	32,295	36,692	43,582	41,476
Vera Cruz and Alvarado.....	2,885	18,451	18,673	16,677	.....
Merida and Peto.....	17,818	16,795	16,728	15,943	20,291
Puebla and Matamoros Izucar.....	27,394	.....	23,067	20,570	22,581
Mexican Central.....	1,111,900	1,111,062	1,185,662	1,251,743	.....
Mexican National.....	580,819	492,822	538,359	497,640	.....
Merida and Calkini.....	9,587	10,052	8,611	9,899	10,967
Sonora.....	85,743	101,918	98,613	85,233	77,309
Puebla and San Marcos.....	37,606	34,533	.....	.....	.....
Campeche and Calkini.....	3,573	2,585	2,167	1,894	2,046
Merida and Valladolid.....	12,595	18,548	25,798	32,298	37,957
Tlalmatlanco.....	4,596	4,577	4,621	5,098	4,590
Mexican International.....	30,858	25,881	29,242	32,516	125,844
Chalchicomula.....	3,683	2,834	2,595	2,386	2,243
Orizaba and Ingenio.....	10,920	4,365	9,962	4,673	2,290

## TABLE SHOWING THE NUMBER OF PASSENGERS CARRIED, ETC.—Continued.

## RETURNS FROM PASSENGERS—Continued.

Name of railway.	1884.	1885.	1886.	1887.	1888.
Tehuantepec .....		\$914	\$2, 984	\$2, 767	
Sinaloa and Durango .....	\$19, 618	8, 786	10, 681	10, 705	
Santa Ana and Tlaxcala .....	8, 580	8, 580	6, 733	6, 733	
Interoceanic .....	185, 987	180, 708	165, 972	173, 340	\$244, 756
Toluca and San Juan de las Huertas .....		6, 863	9, 078	8, 788	7, 231
Tehuacan and Esperanza .....	11, 427	10, 077	9, 111	10, 081	9, 633
Puebla and Texmelucan .....	24, 231	24, 991			
Merida and Sotuta .....				7, 280	1, 898
San Juan Bautista and Tamulte .....				3, 047	4, 879
Cardenas and Rio Grijalva .....				401	
Total .....	3, 633, 201	3, 440, 873	3, 589, 097	3, 732, 436	2, 090, 595

## FREIGHT EARNINGS.

## MERCHANDISE CARRIED.

Mexican .....	236, 030	246, 142	306, 432	301, 165	310, 006
Merida and Progreso .....	95, 963	79, 611	58, 239	46, 055	30, 872
Federal District .....					
Hidalgo .....	34, 958	40, 960	51, 960	65, 524	69, 470
Vera Cruz and Alvarado .....			882		7, 687
Merida and Peto .....	11, 063	16, 919	17, 368	15, 827	18, 362
Puebla and Matamoros Izucar .....					5, 974
Central .....	197, 189	214, 911	255, 027	356, 448	
Mexican National .....	263, 117	177, 679	232, 661	293, 799	
Merida and Calkini .....	3, 952	7, 214	5, 757	7, 085	10, 825
Sonora .....	20, 967	29, 927	33, 635	36, 660	38, 398
Puebla and San Marcos .....	9, 463	12, 153			
Campeche and Calkini .....		579	508	301	476
Merida and Valladolid .....	4, 248	6, 040	25, 181	41, 496	35, 099
Tlalmanalco .....	9, 641	7, 466	7, 187	8, 083	9, 378
Mexican International .....	15, 129	50, 896	35, 877	86, 889	116, 561
Cardenas and Rio Grijalva .....					
Merida and Sotuta .....				2, 729	7, 871
Chalchicomula .....	4, 485	4, 723	4, 079	5, 835	15, 193
Orizaba and Ingenio .....			384		
Tehuantepec .....		1, 735	1, 879	2, 317	
Sinaloa and Durango .....		4, 953	4, 316	5, 328	
Santa Ana and Tlaxcala .....					
Interoceanic .....	117, 179	153, 540	124, 776	139, 158	183, 559
Toluca and San Juan de las Huertas .....			6, 133	9, 361	6, 557
Tehuacan and Esperanza .....		5, 857		7, 669	9, 598
Puebla and Texmelucan .....	3, 835	3, 276			
Total .....	1, 027, 286	1, 064, 590	1, 173, 086	1, 432, 458	875, 894



## TABLE SHOWING THE NUMBER OF PASSENGERS CARRIED, ETC.—Continued.

## RETURNS FROM MERCHANDISE CARRIED.

Name of railway.	1884.	1885.	1886.	1887.	1888.
Mexican .....	\$3, 191, 916	\$2, 799, 354	\$2, 784, 511	\$3, 141, 704	\$2, 970, 838
Merida and Progreso .....	139, 299	120, 389	78, 168	99, 411	64, 291
Federal District .....	114, 307	63, 423	134, 033	37, 492	167, 818
Hidalgo .....	54, 955	76, 710	117, 603	145, 702	154, 857
Vera Cruz and Alvarado .....	.....	.....	4, 942	14, 316	.....
Merida and Peto .....	11, 588	20, 222	21, 710	26, 619	33, 928
Puebla and Matamoros Izucar .....	6, 219	.....	6, 440	9, 926	23, 145
Central .....	2, 662, 684	2, 484, 325	2, 754, 613	3, 721, 358	.....
Mexican National .....	701, 488	803, 291	1, 018, 018	1, 092, 893	.....
Merida and Calkini .....	5, 203	8, 971	9, 264	13, 076	19, 623
Sonora .....	108, 541	158, 648	191, 981	442, 364	154, 997
Puebla and San Marcos .....	39, 195	4, 950	.....	.....	.....
Campeche and Calkini .....	.....	119	315	186	285
Merida and Valladolid .....	5, 827	8, 487	33, 276	58, 096	65, 864
Tlalmanalco .....	7, 271	6, 830	5, 997	6, 788	8, 086
Mexican International .....	33, 589	118, 177	144, 211	189, 184	459, 406
Cardenas and Rio Grijalva .....	.....	.....	.....	722	.....
Merida and Sotuta .....	.....	.....	.....	3, 958	17, 656
Chalchicomula .....	11, 681	4, 805	4, 980	6, 862	8, 763
Orizaba and Ingenio .....	210	363	350	101	139
Tehuantepec .....	.....	2, 380	3, 163	3, 791	.....
Sinaloa and Durango .....	101, 325	13, 229	15, 901	16, 661	.....
Santa Ana and Tlaxcala .....	1, 483	1, 482	1, 373	1, 373	.....
Interoceanic .....	357, 492	387, 528	420, 983	404, 005	616, 172
Toluca and San Juan de las Huertas .....	.....	1, 241	5, 201	6, 755	4, 300
Tehuacan and Esperanza .....	32, 921	31, 905	38, 271	47, 347	52, 513
Puebla and Texmelucan .....	9, 589	7, 857	.....	.....	.....
Total .....	7, 596, 254	7, 124, 804	7, 794, 914	9, 490, 730	4, 822, 690



## APPENDIX 13.

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### THE ACT

TO

### REGULATE COMMERCE.

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APPROVED FEBRUARY 4TH, 1887, AND IN  
EFFECT APRIL 5TH, 1887.

U. S. Statutes at Large.	{	Vol. 24, page 379.
		Public No. 41.

AS AMENDED BY ACT APPROVED AND IN  
EFFECT MARCH 2D, 1889.

U. S. Statutes at Large.	{	Vol. 25, page 855.
		Public No. 125.





## AN ACT TO REGULATE COMMERCE.

(As amended March 2, 1889.)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water when both are used, under a common control, management, or arrangement, for a continuous carriage or shipment, from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States, and also to the transportation in like manner of property shipped from any place in the United States to a foreign country and carried from such place to a port of transshipment, or shipped from a foreign country to any place in the United States and carried to such place from a port of entry either in the United States or an adjacent foreign country: *Provided, however,* That the provisions of this act shall not apply to the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property, wholly within one State, and not shipped to or from a foreign country from or to any State or Territory as aforesaid.

Carriers and transportation subject to the act.

The term "railroad" as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "transportation" shall include all instrumentalities of shipment or carriage.

What the terms "railroad" and "transportation" include.

All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, delivering, storage, or handling of such property, shall be reasonable and just; and every unjust and unreasonable charge for such service is prohibited and declared to be unlawful.

Charges to be reasonable.

Unjust discrimination forbidden.

SEC. 2. That if any common carrier subject to the provisions of this act shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property, subject to the provisions of this act, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.

Undue or unreasonable preference or advantage forbidden.

SEC. 3. That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Facilities for interchange of traffic.

Every common carrier subject to the provisions of this act shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and delivering of passengers and property to and from their several lines and those connecting therewith, and shall not discriminate in their rates and charges between such connecting lines; but this shall not be construed as requiring any such common carrier to give the use of its tracks or terminal facilities to another carrier engaged in like business.

Long and short haul provision.

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however,* That upon application to the Commission appointed under the provisions of this act, such common carrier may, in special cases, after investiga-



tion by the Commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the Commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

SEC. 5. That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in any case of an agreement for the pooling of freights as aforesaid, each day of its continuance shall be deemed a separate offense.

Pooling of  
freights and divi-  
sion of earnings  
forbidden.

SEC. 6. (*As amended.*) That every common carrier subject to the provisions of this act shall print and keep open to public inspection schedules showing the rates and fares and charges for the transportation of passengers and property which any such common carrier has established and which are in force at the time upon its route. The schedules printed as aforesaid by any such common carrier shall plainly state the places upon its railroad between which property and passengers will be carried, and shall contain the classification of freight in force, and shall also state separately the terminal charges and any rules or regulations which in any wise change, affect, or determine any part or the aggregate of such aforesaid rates and fares and charges. Such schedules shall be plainly printed in large type, and copies for the use of the public shall be posted in two public and conspicuous places, in every depot, station, or office of such carrier where passengers or freight, respectively, are received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected.

Printing and  
posting of sched-  
ules of rates,  
fares, and  
charges.

Any common carrier subject to the provisions of this act receiving freight in the United States to be carried through a foreign country to any place in the United States shall also in like manner print and keep open to public inspection, at every depot or office where such freight is received for shipment, schedules showing the through rates established and charged by such common carrier to all points in the United States beyond the foreign country to which it accepts freight for shipment; and any freight shipped from the United States through a foreign country into the United States, the through rate on which shall not have been made

Printing and  
posting of sched-  
ules of rates on  
freight carried  
through a foreign  
country.

public as required by this act, shall, before it is admitted into the United States from said foreign country, be subject to customs duties as if said freight were of foreign production; and any law in conflict with this section is hereby repealed.

Ten days' public notice of advances in rates to be given.

No advance shall be made in the rates, fares, and charges which have been established and published as aforesaid by any common carrier in compliance with the requirements of this section, except after ten days' public notice, which shall plainly state the charges proposed to be made in the schedule then in force, and the time when the increased rates, fares, or changes will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection. Reductions in such published rates, fares, or charges shall only be made after three days' previous public notice, to be given in the same manner that notice of an advance in rates must be given.

Three days' public notice of reduction in rates to be given.

Published rates not to be deviated from.

And when any such common carrier shall have established and published its rates, fares, and charges in compliance with the provisions of this section, it shall be unlawful for such common carrier to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of passengers or property, or for any services in connection therewith, than is specified in such published schedule of rates, fares, and charges as may at the time be in force.

Copies of schedules of rates, fares, and charges to be filed with Commission.

Every common carrier subject to the provisions of this act shall file with the Commission hereinafter provided for copies of its schedules of rates, fares, and charges which have been established and published in compliance with the requirements of this section, and shall promptly notify said Commission of all changes made in the same. Every such

Copies of contracts and agreements to be filed with Commission.

common carrier shall also file with said Commission copies of all contracts, agreements, or arrangements with other common carriers in relation to any traffic affected by the provisions of this act to which it may be a party. And in cases where passengers and freight pass over continuous lines or routes operated by more than one common carrier, and the several common carriers operating such lines or routes establish joint tariffs of rates or fares or charges for

Joint tariffs to be filed with Commission.

such continuous lines or routes, copies of such joint tariffs shall also, in like manner, be filed with said Commission.

Power of Commission to prescribe publicity.

Such joint rates, fares, and charges on such continuous lines so filed as aforesaid shall be made public by such common carriers when directed by said Commission, in so

far as may, in the judgment of the Commission, be deemed practicable; and said Commission shall from time to time prescribe the measure of publicity which shall be given to such rates, fares, and charges, or to such part of them as it may deem it practicable for such common carriers to publish, and the places in which they shall be published.

No advance shall be made in joint rates, fares, and charges, shown upon joint tariffs, except after ten days' notice to the Commission, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the increased rates, fares, or charges will go into effect. No reduction shall be made in joint rates, fares, and charges, except after three days' notice, to be given to the Commission as is above provided in the case of an advance of joint rates. The Commission may make public such proposed advances, or such reductions, in such manner as may, in its judgment, be deemed practicable, and may prescribe from time to time the measures of publicity which common carriers shall give to advances or reductions in joint tariffs.

Ten days' notice to Commission of advance in joint rates, fares, and charges.

Three days' notice to Commission of reduction in joint rates, fares, and charges.

Power of Commission to make advances or reductions public.

It shall be unlawful for any common carrier, party to any joint tariff, to charge, demand, collect, or receive from any person or persons, a greater or less compensation for the transportation of persons or property, or for any services in connection therewith, between any points as to which a joint rate, fare, or charge is named thereon than is specified in the schedule filed with the Commission in force at the time.

Joint rates, fares, and charges not to be deviated from.

The Commission may determine and prescribe the form in which the schedules required by this section to be kept open to public inspection shall be prepared and arranged, and may change the form from time to time as shall be found expedient.

Commission may prescribe forms of schedules of rates, fares, and charges.

If any such common carrier shall neglect or refuse to file or publish its schedules or tariffs of rates, fares, and charges as provided in this section, or any part of the same, such common carrier shall, in addition to other penalties herein prescribed, be subject to a writ of mandamus, to be issued by any circuit court of the United States in the judicial district wherein the principal office of said common carrier is situated, or wherein such offense may be committed, and if such common carrier be a foreign corporation in the judicial circuit wherein such common carrier accepts traffic and has an agent to perform such service, to compel compliance with the aforesaid provisions of this section; and such writ shall issue in the name of the people of the United States, at the relation of the Commissioners appointed under the provisions of this act; and the failure to comply with its requirements

Penalties for neglecting or refusing to file or publish rates, fares, and charges.



shall be punishable as and for a contempt; and the said Commissioners, as complainants, may also apply, in any such circuit court of the United States, for a writ of injunction against such common carrier, to restrain such common carrier from receiving or transporting property among the several States and Territories of the United States, or between the United States and adjacent foreign countries, or between ports of transshipment and of entry and the several States and Territories of the United States, as mentioned in the first section of this act, until such common carrier shall have complied with the aforesaid provisions of this section of this act.

Continuous carriage of freights not to be unnecessarily interrupted.

SEC. 7. That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any combination, contract, or agreement, expressed or implied, to prevent, by change of time schedule, carriage in different cars, or by other means or devices, the carriage of freights from being continuous from the place of shipment to the place of destination; and no break of bulk, stoppage, or interruption made by such common carrier shall prevent the carriage of freights from being and being treated as one continuous carriage from the place of shipment to the place of destination, unless such break, stoppage, or interruption was made in good faith for some necessary purpose, and without any intent to avoid or unnecessarily interrupt such continuous carriage or to evade any of the provisions of this act.

Liability of common carriers for damages.

SEC. 8. That in case any common carrier subject to the provisions of this act shall do, cause to be done, or permit to be done any act, matter, or thing in this act prohibited or declared to be unlawful, or shall omit to do any act, matter, or thing in this act required to be done, such common carrier shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of any such violation of the provisions of this act, together with a reasonable counsel or attorney's fee, to be fixed by the court in every case of recovery, which attorney's fee shall be taxed and collected as part of the costs in the case.

Persons claiming to be damaged may complain to Commission or bring suit in United States courts.

SEC. 9. That any person or persons claiming to be damaged by any common carrier subject to the provisions of this act may either make complaint to the Commission, as hereinafter provided for, or may bring suit in his or their own behalf for the recovery of the damages for which such common carrier may be liable under the provisions of this act, in any district or circuit court of the United States of competent jurisdiction; but such person or persons shall not have the right to pursue both of said remedies, and

must in each case elect which one of the two methods of procedure herein provided for he or they will adopt. In any such action brought for the recovery of damages the court before which the same shall be pending may compel any director, officer, receiver, trustee, or agent of the corporation or company defendant in such suit to attend, appear, and testify in such case, and may compel the production of the books and papers of such corporation or company party to any such suit; the claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

Officers, &c., of defendant may be compelled to testify.

SEC. 10. (*As amended.*) That any common carrier subject to the provisions of this act, or, whenever such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or person, acting for or employed by such corporation, who, alone or with any other corporation, company, person, or party, shall willfully do or cause to be done, or shall willingly suffer or permit to be done, any act, matter, or thing in this act prohibited or declared to be unlawful, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this act required to be done, or shall cause or willingly suffer or permit any act, matter, or thing so directed or required by this act to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this act, or shall aid or abet therein, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any district court of the United States within the jurisdiction of which such offense was committed, be subject to a fine of not to exceed five thousand dollars for each offense: *Provided*, That if the offense for which any person shall be convicted as aforesaid shall be an unlawful discrimination in rates, fares, or charges, for the transportation of passengers or property, such person shall, in addition to the fine hereinbefore provided for, be liable to imprisonment in the penitentiary for a term of not exceeding two years, or both such fine and imprisonment, in the discretion of the court.

Penalties for violations of act by carriers, their officers or agents: Fine and imprisonment.

Any common carrier subject to the provisions of this act, or, whenever such common carrier is a corporation, any officer or agent thereof, or any person acting for or employed by such corporation, who, by means of false billing, false classification, false weighing, or false report of weight, or by any other device or means, shall knowingly and willfully assist,

Penalties for false billing, etc., by carriers, their officers or agents: Fine and imprisonment.

or shall willingly suffer or permit, any person or persons to obtain transportation for property at less than the regular rates then established and in force on the line of transportation of such common carrier, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was committed, be subject to a fine of not exceeding five thousand dollars, or imprisonment in the penitentiary for a term of not exceeding two years, or both, in the discretion of the court, for each offense.

Penalties for  
false billing, etc.,  
by shippers and  
other persons:  
Fine and imprison-  
ment.

Any person and any officer or agent of any corporation or company who shall deliver property for transportation to any common carrier, subject to the provisions of this act, or for whom as consignor or consignee any such carrier shall transport property, who shall knowingly and willfully, by false billing, false classification, false weighing, false representation of the contents of the package, or false report of weight, or by any other device or means, whether with or without the consent or connivance of the carrier, its agent or agents, obtain transportation for such property at less than the regular rates then established and in force on the line of transportation, shall be deemed guilty of fraud, which is hereby declared to be a misdemeanor, and shall, upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was committed, be subject for each offense to a fine of not exceeding five thousand dollars, or imprisonment in the penitentiary for a term of not exceeding two years, or both, in the discretion of the court.

Penalties for  
inducing com-  
mon carriers to  
discriminate un-  
justly: Fine and  
imprisonment.  
Joint liability  
with carrier for  
damages.

If any such person, or any officer or agent of any such corporation or company, shall, by payment of money or other thing of value, solicitation, or otherwise, induce any common carrier subject to the provisions of this act, or any of its officers or agents, to discriminate unjustly in his, its, or their favor as against any other consignor or consignee in the transportation of property, or shall aid or abet any common carrier in any such unjust discrimination, such person or such officer or agent of such corporation or company shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was committed, be subject to a fine of not exceeding five thousand dollars, or imprisonment in the penitentiary for a term of not exceeding two years, or both, in the discretion of the court, for each offense; and such person, corporation, or company shall also, together with said common



carrier, be liable, jointly or severally, in an action on the case to be brought by any consignor or consignee discriminated against in any court of the United States of competent jurisdiction for all damages caused by or resulting therefrom.

SEC. 11. That a Commission is hereby created and established to be known as the Interstate Commerce Commission, which shall be composed of five Commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. The Commissioners first appointed under this act shall continue in office for the term of two, three, four, five, and six years, respectively, from the first day of January, anno Domini eighteen hundred and eighty-seven, the term of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired time of the Commissioner whom he shall succeed. Any Commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Not more than three of the Commissioners shall be appointed from the same political party. No person in the employ of or holding any official relation to any common carrier subject to the provisions of this act, or owning stock or bonds thereof, or who is in any manner pecuniarily interested therein, shall enter upon the duties of or hold such office. Said Commissioners shall not engage in any other business, vocation, or employment. No vacancy in the Commission shall impair the right of the remaining Commissioners to exercise all the powers of the Commission.

Inter state  
Commerce Com-  
missioners—how  
appointed.

Terms of Com-  
missioners.

SEC. 12. (*As amended.*) That the Commission hereby created shall have authority to inquire into the management of the business of all common carriers subject to the provisions of this act, and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from such common carriers full and complete information necessary to enable the Commission to perform the duties and carry out the objects for which it was created; and the Commission is hereby authorized and required to execute and enforce the provisions of the act; and, upon the request of the Commission, it shall be the duty of any district attorney of the United States to whom the Commission may apply to institute in the proper court and to prosecute under the direction of the Attorney-General of the United States, all necessary proceedings for the enforcement of the provisions of this act

Power of Com-  
mission to in-  
quire into busi-  
ness of carriers.

Commission re-  
quired to enforce  
the provisions of  
the act.

and for the punishment of all violations thereof; and the costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States; and for the purposes of this act the Com-

Power of the Commission to require attendance of witnesses and production of books and papers.

mission shall have power to require, by subpoena, the attendance and testimony of witnesses and the production of all books, papers, tariffs, contracts, agreements, and documents relating to any matter under investigation, and in case of disobedience to a subpoena, the Commission, or any party to a proceeding before the Commission, may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section.

And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any common carrier subject to the provisions of this act, or other person, issue an order requiring such common carrier or other person to appear before said Commission (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey

Punishment for refusal to testify or produce books and papers.

such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying; but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

SEC. 13. That any person, firm, corporation, or association, or any mercantile, agricultural, or manufacturing society, or any body-politic or municipal organization complaining of anything done or omitted to be done by any common carrier subject to the provisions of this act in contravention of the provisions thereof, may apply to said Commission by petition, which shall briefly state the facts; whereupon a statement of the charges thus made shall be forwarded by the Commission to such common carrier, who shall be called upon to satisfy the complaint or to answer the same in writing within a reasonable time, to be specified by the Commission. If such common carrier, within the time specified,

Complaints to Commission. How and by whom made.

shall make reparation for the injury alleged to have been done, said carrier shall be relieved of liability to the complainant only for the particular violation of law thus complained of. If such carrier shall not satisfy the complaint within the time specified, or there shall appear to be any reasonable ground for investigating said complaint, it shall

Reparation by carriers before investigation.

be the duty of the Commission to investigate the matters <sup>Investigations by the Commission.</sup> complained of in such manner and by such means as it shall deem proper.

Said Commission shall in like manner investigate any complaint forwarded by the railroad commissioner or railroad commission of any State or Territory, at the request of such commissioner or commission, and may institute any inquiry on its own motion in the same manner and to the same effect as though complaint had been made.

No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

SEC. 14. (*As amended.*) That whenever an investigation shall be made by said Commission, it shall be its duty to make a report in writing in respect thereto, which shall include the findings of fact upon which the conclusions of the Commission are based, together with its recommendation as to what reparation, if any, should be made by the common carrier to any party or parties who may be found to have been injured; and such findings so made shall thereafter, in all judicial proceedings, be deemed prima facie evidence as to each and every fact found. <sup>Findings of Commission prima facie evidence in judicial proceedings.</sup>

All reports of investigations made by the Commission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any common carrier that may have been complained of.

The Commission may provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use, and such authorized publications shall be competent evidence of the reports and decisions of the Commission therein contained, in all courts of the United States, and of the several States, without any further proof or authentication thereof. The Commission may also cause to be printed for early distribution its annual reports. <sup>Reports and decisions. Authorized publications to be competent evidence.</sup> <sup>Publication and distribution of annual reports of Commission.</sup>

SEC. 15. That if in any case in which an investigation shall be made by said Commission it shall be made to appear to the satisfaction of the Commission, either by the testimony of witnesses or other evidence, that anything has been done or omitted to be done in violation of the provisions of this act, or of any law cognizable by said Commission, by any common carrier, or that any injury or damage has been sustained by the party or parties complaining, or by other parties aggrieved in consequence of any such violation, it shall be the duty of the Commission to forthwith cause a copy of its report in respect thereto to be delivered to such common carrier, together with a notice to said common car-



Notice to common carrier to cease from violation of act.

rier to cease and desist from such violation, or to make reparation for the injury so found to have been done, or both, within a reasonable time, to be specified by the Commission ; and if, within the time specified, it shall be made to appear to the Commission that such common carrier has ceased

Compliance with notice to cease from violation of act. Reparation.

from such violation of law, and has made reparation for the injury found to have been done, in compliance with the report and notice of the Commission, or to the satisfaction of the party complaining, a statement to that effect shall be entered of record by the Commission, and the said common carrier shall thereupon be relieved from further liability or penalty for such particular violation of law.

SEC. 16. (*As amended.*) That whenever any common carrier, as defined in and subject to the provisions of this act,

Petition to United States courts in cases of disobedience to order of Commission.

shall violate, or refuse or neglect to obey or perform any lawful order or requirement of the Commission created by this act, not founded upon a controversy requiring a trial by jury, as provided by the seventh amendment to the Constitution of the United States, it shall be lawful for the Commission or for any company or person interested in such order or requirement, to apply in a summary way, by petition, to the circuit court of the United States sitting in equity in the judicial district in which the common carrier complained of has its principal office, or in which the violation or disobedience of such order or requirement shall happen, alleging such violation or disobedience, as the case may be ; and the said court shall have power to hear and determine the matter, on such short notice to the common carrier complained of as the court shall deem reasonable ; and such notice may be served on such common carrier, his or its officers, agents, or servants in such manner as the court shall direct ;

Power of United States courts to hear and determine cases of disobedience.

and said court shall proceed to hear and determine the matter speedily as a court of equity, and without the formal pleadings and proceedings applicable to ordinary suits in equity, but in such manner as to do justice in the premises ; and to this end such court shall have power, if it think fit, to direct and prosecute in such mode and by such persons as it may appoint, all such inquiries as the court may think needful to enable it to form a just judgment in the matter of such petition ; and on such hearing the findings of fact in the report of said Commission shall be prima facie evidence of the matters therein stated ; and if it be made to appear to such court, on such hearing or on report of any such person or persons, that the lawful order or requirement of said Commission drawn in question has been violated or disobeyed, it shall be lawful for such court to issue a writ

of injunction or other proper process, mandatory or otherwise, to restrain such common carrier from further continuing such violation or disobedience of such order or requirement of said Commission, and enjoining obedience to the same; and in case of any disobedience of any such writ of injunction or other proper process, mandatory or otherwise, it shall be lawful for such court to issue writs of attachment, or any other process of said court incident or applicable to writs of injunction or other proper process, mandatory or otherwise, against such common carrier, and if a corporation, against one or more of the directors, officers, or agents of the same, or against any owner, lessee, trustee, receiver, or other person failing to obey such writ of injunction, or other proper process, mandatory or otherwise; and said court may, if it shall think fit, make an order directing such common carrier or other person so disobeying such writ of injunction, or other proper process, mandatory or otherwise, to pay such sum of money, not exceeding for each carrier or person in default the sum of five hundred dollars for every day, after a day to be named in the order, that such carrier or other person shall fail to obey such injunction or other proper process, mandatory or otherwise; and such moneys shall be payable as the court shall direct, either to the party complaining or into court to abide the ultimate decision of the court, or into the treasury; and payment thereof may, without prejudice to any other mode of recovering the same, be enforced by attachment or order in the nature of a writ of execution, in like manner as if the same had been recovered by a final decree in personam in such court. When the subject in dispute shall be of the value of two thousand dollars or more, either party to such proceeding before said court may appeal to the Supreme Court of the United States, under the same regulations now provided by law in respect of security for such appeal; but such appeal shall not operate to stay or supersede the order of the court or the execution of any writ or process thereon; and such court may, in every such matter, order the payment of such costs and counsel fees as shall be deemed reasonable. Whenever any such petition shall be filed or presented by the Commission it shall be the duty of the district attorney, under the direction of the Attorney-General of the United States, to prosecute the same; and the costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

Writs of injunction or other process against carriers in cases of disobedience.

Punishment for refusal to obey writs of injunction or other proper process: Fine.

Appeals to Supreme Court of United States.

If the matters involved in any such order or requirement of said Commission are founded upon a controversy requir-

ing a trial by jury, as provided by the seventh amendment to the Constitution of the United States, and any such common carrier shall violate or refuse or neglect to obey or perform the same, after notice given by said Commission as provided in the fifteenth section of this act, it shall be lawful for any company or person interested in such order or requirement to apply in a summary way by petition to the circuit court of the United States sitting as a court of law in the judicial district in which the carrier complained of has its principal office, or in which the violation or disobedience of such order or requirement shall happen, alleging such violation or disobedience as the case may be; and said court shall by its order then fix a time and place for the trial of said cause, which shall not be less than twenty, nor more than forty days from the time said order is made, and it shall be the duty of the marshal of the district in which said proceeding is pending to forthwith serve a copy of said petition, and of said order, upon each of the defendants, and it shall be the duty of the defendants to file their answers to said petition within ten days after the service of the same upon them as aforesaid. At the trial the findings of fact of said Commission as set forth in its report shall be prima facie evidence of the matters therein stated, and if either party shall demand a jury or shall omit to waive a jury the court shall, by its order, direct the marshal forthwith to summon a jury to try the cause; but if all the parties shall waive a jury in writing, then the court shall try the issues in said cause and render its judgment thereon. If the subject in dispute shall be of the value of two thousand dollars or more either party may appeal to the Supreme Court of the United States under the same regulations now provided by law in respect to security for such appeal; but such appeal must be taken within twenty days from the day of the rendition of the judgment of said circuit court. If the judgment of the circuit court shall be in favor of the party complaining, he or they shall be entitled to recover a reasonable counsel or attorney's fee, to be fixed by the court, which shall be collected as part of the costs in the case. For the purposes of this act, excepting its penal provisions, the circuit courts of the United States shall be deemed to be always in session.

SEC. 17. (*As amended.*) That the Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. A majority of the Commission shall constitute a quorum for the transaction of business, but no Commissioner shall participate in any hearing or proceeding in which he

Petition to United States courts in cases of disobedience when trial by jury is necessary.

Trial by jury.

Trial by court.

Appeals to Supreme Court of United States.

Counsel or attorney's fees.

Interstate Commerce Commission. Form of procedure.



has any pecuniary interest. Said Commission may, from time to time, make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, including forms of notices and the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the United States. Any party may appear before said Commission and be heard in person or by attorney. Every vote and official act of the Commission shall be entered of record, and its proceedings shall be public upon the request of either party interested. Said Commission shall have an official seal, which shall be judicially noticed. Either of the members of the Commission may administer oaths and affirmations and sign subpoenas.

Official seal.

SEC. 18. (*As amended.*) That each Commissioner shall receive an annual salary of seven thousand five hundred dollars, payable in the same manner as the judges of the courts of the United States. The Commission shall appoint a secretary, who shall receive an annual salary of three thousand five hundred dollars, payable in like manner. The Commission shall have authority to employ and fix the compensation of such other employees as it may find necessary to the proper performance of its duties. Until otherwise provided by law, the Commission may hire suitable offices for its use, and shall have authority to procure all necessary office supplies. Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

Salaries of Commissioners.

Secretary—how appointed; salary.

Offices and supplies.

Witnesses' fees.

All of the expenses of the Commission, including all necessary expenses for transportation incurred by the Commissioners, or by their employees under their orders, in making any investigation, or upon official business in any other places than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the Commission.

Expenses of the Commission—how paid.

SEC. 19. That the principal office of the Commission shall be in the city of Washington, where its general sessions shall be held; but whenever the convenience of the public or the parties may be promoted or delay or expense prevented thereby, the Commission may hold special sessions in any part of the United States. It may, by one or more of the Commissioners, prosecute any inquiry necessary to its duties, in any part of the United States, into any matter or question of fact pertaining to the business of any common carrier subject to the provisions of this act.

Principal office of the Commission.

Sessions of the Commission.

SEC. 20. That the Commission is hereby authorized to require annual reports from all common carriers subject to the provisions of this act, to fix the time and prescribe the

Carriers, subject to the act must render full annual reports to Commission.

manner in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the Commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipments; the number of employees and the salaries paid each class; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss; and a complete exhibit of the financial operations of the carrier each year, including an annual balance-sheet. Such reports shall also contain such information in relation to rates or regulations concerning fares or freights, or agreements, arrangements, or contracts with other common carriers, as the Commission may require; and the said Commission may, within its discretion, for the purpose of enabling it the better to carry out the purposes of this act, prescribe (if in the opinion of the

Commission may prescribe methods of keeping accounts.

Commission it is practicable to prescribe such uniformity and methods of keeping accounts) a period of time within which all common carriers subject to the provisions of this act shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

Annual reports of the Commission to Congress.

SEC. 21. (*As amended.*) That the Commission shall, on or before the first day of December in each year, make a report, which shall be transmitted to Congress, and copies of which shall be distributed as are the other reports transmitted to Congress. This report shall contain such information and data collected by the Commission as may be considered of value in the determination of questions connected with the regulation of commerce, together with such recommendations as to additional legislation relating thereto as the Commission may deem necessary; and the names and compensation of the persons employed by said Commission.

Persons and property that may be carried free or at reduced rates.

SEC. 22. (*As amended.*) That nothing in this act shall prevent the carriage, storage, or handling of property free or at reduced rates for the United States, State, or municipal governments, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the free carriage of destitute and homeless persons transported by charitable societies, and the necessary agents employed in

such transportation, or the issuance of mileage, excursion, or commutation passenger tickets; nothing in this act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion, or to municipal governments for the transportation of indigent persons, or to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers, and of Soldiers and Sailors' Orphan Homes, including those about to enter and those returning home after discharge, under arrangements with the boards of managers of said homes; nothing in this act shall be construed to prevent railroads from giving free carriage to their own officers and employees, or to prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers and employees; and nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies: *Provided*, That no pending litigation shall in any way be affected by this act.

Mileage, excursion, or commutation passenger tickets.

Passes and free transportation to officers and employees of railroad companies.

Pending litigation not affected by act.

(*New section*). That the circuit and district courts of the United States shall have jurisdiction upon the relation of any person or persons, firm, or corporation, alleging such violation by a common carrier, of any of the provisions of the act to which this is a supplement and all acts amendatory thereof, as prevents the relator from having interstate traffic moved by said common carrier at the same rates as are charged, or upon terms or conditions as favorable as those given by said common carrier for like traffic under similar conditions to any other shipper, to issue a writ or writs of mandamus against said common carrier, commanding such common carrier to move and transport the traffic, or to furnish cars or other facilities for transportation for the party applying for the writ: *Provided*, That if any question of fact as to the proper compensation to the common carrier for the service to be enforced by the writ is raised by the pleadings, the writ of peremptory mandamus may issue, notwithstanding such question of fact is undetermined, upon such terms as to security, payment of money into the court, or otherwise, as the court may think proper, pending the determination of the question of fact: *Provided*, That the remedy hereby given by writ of mandamus shall be cumulative, and shall not be held to exclude or interfere with other remedies provided by this act or the act to which it is a supplement.

Jurisdiction of United States courts to issue writs of peremptory mandamus commanding the movement of interstate traffic or the furnishing of cars or other transportation facilities.



## APPENDIX 14.

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REVISED AND AMENDED RULES OF PRACTICE IN CASES AND PROCEEDINGS BEFORE THE COMMISSION, WITH FORMS FOR COMPLAINTS, ANSWERS, NOTICES, ETC., AND COPIES OF SECTIONS 863 AND 864 OF THE REVISED STATUTES OF THE UNITED STATES.

*(Adopted June 8, 1889.)*

### PUBLIC SESSIONS.

I. The general sessions of the Commission for the hearing of contested cases will be held at its office in the Sun Building, No. 1315 F street, northwest, Washington, D. C., on such days and at such hour as the Commission may designate.

Sessions for receiving, considering, and acting upon petitions, communications, and applications relating to business before the Commission, and also for considering and acting upon any business of the Commission other than contested cases, will be held at its said office at 11 o'clock a. m. on Monday of every week when the Commission is at Washington.

When special sessions are held at other places such regulations as may be necessary will be made by the Commission.

### PARTIES.

II. Where a complaint concerns only anything done or omitted to be done by a single carrier no other need be made a party, but if it relates to joint tariffs, or matters in which two or more carriers doing business under a common control, management, or arrangement, for a continuous carriage or shipment are interested, all the carriers constituting such line must be made parties.

A complainant may embrace several carriers, or lines of carriers, operated separately, in the same proceeding, when the subject-matter of the complaint involves substantially the same alleged violation of the law by the several carriers or lines.

Persons or carriers not parties may apply, in any pending case or proceeding, for leave to intervene and to be heard upon the questions involved.

## COMPLAINTS UNDER SECTION 13.

III. Complaints under section 13 of the act, of anything done or omitted to be done by any common carrier subject to the provisions of the act in contravention of the provisions thereof, must be made by petition, which must briefly state the facts which are claimed to constitute a violation of the act, and must be verified by the petitioner, or by some officer or agent of the corporation, society, or other body or organization making the complaint, to the effect that the allegations of the petition are true to the knowledge or belief of the affiant.

The complainant must furnish as many written or printed copies of the complaint or petition as there may be parties complained against to be served. When a complaint is made the name of the carrier or carriers complained against must be set forth in full, and the address of the petitioner, and the name and address of his attorney or counsel, if any, must be indorsed upon the complaint.

The Commission will cause a copy of the complaint to be served upon every common carrier complained against, by mail or personally, in its discretion, with notice to the carrier or carriers to satisfy the complaint or to answer the same in writing within the time specified.

## ANSWERS.

IV. A carrier complained against must answer the complaint made within twenty days from the date of the notice, unless the Commission shall in particular cases prescribe a shorter time for the answer to be served, and in such cases the answer must be made within the time prescribed. The original answer must be filed with the Commission, at its office in Washington, and a copy thereof must at the same time be served upon the complainant by the party answering, personally or by mail, who must forthwith notify the secretary of the Commission of the fact. The answer must admit or deny the material allegations of fact contained in the complaint, and may set forth any additional facts claimed to be material to the issue. The answer must be verified in the same manner as the complaint. If a carrier complained against shall make satisfaction before answering, a written acknowledgment of satisfaction must be filed with the Commission, and in that case the fact of satisfaction without other matter may be set forth in the answer, filed and served on the complainant. If satisfaction be made after the filing and service of an answer, a supplemental answer setting forth the fact of satisfaction may be filed and served.

V. If a carrier complained against shall deem the complaint insufficient to show a breach of legal duty, it may, instead of filing an answer, serve on the complainant notice for a hearing of the case on the complaint; and in case of the service of such notice, the facts stated in the complaint will be taken as admitted. A copy of the notice must at the same time be filed with the Commission. The filing of an answer will not be deemed an admission of the sufficiency of the complaint, but a motion to dismiss for insufficiency may be made at the hearing.

## SERVICE OF PAPERS.

VI. Copies of notices or other papers must be served upon the opposite parties to the proceeding, personally or by mail, and when any party shall have appeared by attorney the service upon the attorney shall be deemed proper service upon the party.

## AFFIDAVITS.

VII. Affidavits to a petition, complaint, or answer may be taken before any officer of the United States, or of any State or Territory, authorized to administer oaths.

## AMENDMENTS.

VIII. Upon application by any petitioner or party, amendments may be allowed by the Commission, in its discretion, to any petition, answer, or other pleading in any proceeding before the Commission.

## ADJOURNMENTS AND EXTENSIONS OF TIME.

IX. Adjournments and extensions of time may be granted upon the application of parties in the discretion of the Commission.

## STIPULATIONS.

X. Parties to cases and proceedings before the Commission may, by stipulation, duly signed by them and filed with the Secretary, agree upon the facts, or any portion of the facts, they deem to be involved in the controversy, which agreed statement shall be regarded and used as evidence. It is desirable that the facts be thus agreed upon whenever practicable.

## HEARINGS.

XI. Upon issue being joined by the service of answer, the Commission will assign a time and place for hearing the same, which will be at its office in Washington, unless otherwise ordered. Witnesses will be examined orally before the Commission, unless testimony be taken or facts agreed upon as otherwise provided in these rules. The petitioner or complainant must in all cases prove the existence of the facts alleged to constitute a violation of the act, unless the carrier complained of shall admit the same, or shall fail to answer the complaint. Facts alleged in the answer must also be proved by the carrier, unless admitted by the petitioner.

In cases of failure to answer, the Commission will take such proof of the charge as may be deemed reasonable and proper, and make such order thereon as the circumstances of the case appear to require.

## WITNESSES AND DEPOSITIONS.

XII. Subpœnas requiring the attendance of witnesses will be issued by any member of the Commission in all cases and proceedings before it, and witnesses will be required to obey the subpœnas served upon them requiring their attendance or the production of any books, papers, tariffs, contracts, agreements, or documents relating to any matter under



investigation or pending before the Commission. When a subpoena is desired for the production of books, papers, or other documentary evidence, special application must be made to the Commission therefor, specifying the documentary evidence desired.

When a cause is at issue on petition and answer, each party may proceed at once to take depositions of witnesses in the manner provided by sections 863 and 864 of the Revised Statutes of the United States, and transmit them to the secretary of the Commission, without making any application to, or obtaining any authority from, the Commission for that purpose.\* (Sections 863 and 864, Revised Statutes, are appended to these rules.)

#### PROPOSED FINDINGS OF FACT.

XIII. Upon the final submission of a case to the Commission, either party may submit proposed findings of fact for the consideration of the Commission, which findings must embrace only the material facts of the case supposed to be established by the testimony.

#### REHEARINGS.

XIV. Application for a rehearing may be made by either party at any time within sixty days after a decision shall have been filed and made public in any case decided by the Commission. Such application must be by petition, and must state clearly the findings of fact or conclusions of law supposed to be erroneous. If the application be to give further testimony, the nature of the additional testimony must be briefly stated, and it must not be merely cumulative. The petition must be verified in the same manner as a complaint, and a copy thereof, with a notice of the time and place of the application, must be served on the opposite party at least ten days before the time named for the application.

#### PRINTING OF PLEADINGS, ETC.

XV. For convenience in reading and filing, it is recommended that, when practicable, petitions, answers, and depositions be printed or in type-writing, and that when in type-writing, or ordinary writing, only one page of the paper be used.†

#### COPIES.

XVI. Copies of any petition, complaint, or answer in any matter or proceeding before the Commission, or of any order, decision, or opinion by the Commission, and also of testimony when practicable and desired for use in the case, will be furnished without charge upon application to the secretary by any person or carrier party to the proceeding.

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\* Fees of witnesses are fixed by law at \$1.50 for each day's attendance at the place of hearing or of taking depositions, and 5 cents per mile for going to said place from his place of residence and 5 cents per mile for returning therefrom.

† It is desirable, if complaints, answers, etc., are in ordinary writing or type-writing, that the size of the pages should conform as near as convenient to 9 by 13 inches, not to exceed same; if printed, 6 by 9 inches,

## ADDRESS OF THE COMMISSION.

XVII. All complaints concerning anything done or omitted to be done by any railroad carrier, and all petitions or answers or applications relative to any pending proceeding, and all letters or telegrams relating in any manner to either of these matters, must be addressed to the Interstate Commerce Commission, Washington, D. C.

Sections 863 and 864 of the Revised Statutes, referred to under Rule XII, are as follows :

“SEC. 863. The testimony of any witness may be taken in any civil cause depending in a district or circuit court by deposition *de bene esse*, when the witness lives at a greater distance from the place of trial than one hundred miles, or is bound on a voyage to sea, or is about to go out of the United States, or out of the district in which the case is to be tried, and to a greater distance than one hundred miles from the place of trial, before the time of trial, or when he is ancient and infirm. The deposition may be taken before any judge of any court of the United States, or any commissioner of a circuit court, or any clerk of a district or circuit court, or any chancellor, justice or judge of a supreme or superior court, mayor or chief magistrate of a city, judge of a county court or court of common pleas of any of the United States, or any notary public, not being of counsel or attorney to either of the parties, nor interested in the event of the cause. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, as either may be nearest, which notice shall state the name of the witness and the time and place of the taking of his deposition; and in all cases in *rem*, the person having the agency or possession of the property at the time of seizure shall be deemed the adverse party, until the claim shall have been put in; and whenever, by reason of the absence from the district and want of an attorney of record or other reason, the giving of the notice herein required shall be impracticable, it shall be lawful to take such depositions as there shall be urgent necessity for taking, upon such notice as any judge authorized to hold courts in such circuit or district shall think reasonable and direct. Any person may be compelled to appear and depose as provided by this section, in the same manner as witnesses may be compelled to appear and testify in court.

“SEC. 864. Every person deposing as provided in the preceding section, shall be cautioned and sworn to testify the whole truth, and carefully examined. His testimony shall be reduced to writing by the magistrate taking the deposition, or by himself in the magistrate's presence, and by no other person, and shall, after it has been reduced to writing, be subscribed by the deponent.”

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## FORMS.

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- No. 1.—Complaint against a single carrier.
- No. 2.—Complaint against joint or connecting carriers.
- No. 3.—Notice to answer.
- No. 4.—Notice to complainant.
- No. 5.—Answer.
- No. 6.—Notice by carrier under Rule V.
- No. 7.—Acknowledgment of answer.
- No. 8.—Notice of hearing.
- No. 9.—Subpœna.
- No. 10.—Notice of taking depositions under Rule XII.





## FORMS.

These forms may be used in cases to which they are applicable, with such alterations as the circumstances may render necessary.

### No. 1.

#### *Complaint against a single carrier.*

#### INTERSTATE COMMERCE COMMISSION.

A. B.  
*against*  
THE ——— RAILROAD COMPANY. }

The petition of the above-named complainant respectfully shows :

I. That (*Here let complainant state his occupation and place of business.*)

II. That the defendant above named is a common carrier engaged in the transportation of passengers and property by railroad between points in the State of ——— and points in the State of ———, and as such common carrier is subject to the act to regulate commerce.

III. That (*Here state concisely the matters intended to be complained of. Continue numbering each succeeding paragraph as in Nos. I, II, and III.*)

Wherefore the petitioner prays that the defendant may be required to answer the charges herein, and that after due hearing and investigation an order be made commanding the defendant to cease and desist from said violations of the act to regulate commerce, and for such other and further order as the Commission may deem necessary in the premises. (*If reparation for any wrong or injury be desired, the petitioner should state the nature and extent of the reparation he deems proper.*)

Dated at ———, ———, 18—.

A. B.  
(*Complainant's signature.*)

STATE OF ———,  
County of ———, ss :

A. B., being duly sworn, says that he is the complainant in this proceeding, and that the matters set forth in the foregoing petition are true as he verily believes.

A. B.

Subscribed and sworn to before me this — day of ———, 18—.

C. D.,  
*Justice of the Peace.*

(*Or other officer authorized to administer oaths.*)

No. 2.

*Complaint against joint or connecting carriers.*

INTERSTATE COMMERCE COMMISSION.

A. B.  
*against*  
 THE ——— RAILROAD COMPANY,  
 (Here set  
*out in full the titles of the several car-  
 riers complained against.)*

The petition of the above-named complainant respectfully shows:

I. That (*here let complainant state his occupation and place of business*).

II. That the defendants above named are common carriers, and under a common control, management, or arrangement for continuous carriage or shipment, are engaged in the transportation of passengers and property wholly by railroad (*or partly by railroad and partly by water, as the case may be*) between ———, in the State of ———, and ———, in the State of ———, and as such common carriers are subject to the act to regulate commerce.

(*Then proceed as in Form No. 1.*)

No. 3.

*Notice to answer.*

THE INTERSTATE COMMERCE COMMISSION,  
 Washington, D. C., ———, 188—.

To the ———,

Inclosed please find a copy of a ——— petition filed against your company, embracing a statement of charges made by ——— under section 13 of the act to regulate commerce, approved February 4, 1887, and amended March 2, 1889.

You are hereby called upon to satisfy the complaint or to answer the same, in writing, within twenty days from this date.

For the Commission :

\_\_\_\_\_,  
*Secretary.*

No. 4.

*Notice to complainant.*

THE INTERSTATE COMMERCE COMMISSION,  
 Washington, ———, 188—.

\_\_\_\_\_,  
 \_\_\_\_\_:  
 \_\_\_\_\_:

Your petition against the ——— Company, under section 13 of the act to regulate commerce, approved February 4, 1887, and amended March 2, 1889, is received and placed on file.

A statement of the charges made has been forwarded to the carrier for satisfaction or answer within twenty days.

For the Commission :

\_\_\_\_\_,  
*Secretary.*



No. 5.

*Answer.*

## INTERSTATE COMMERCE COMMISSION.

A. B.  
*against*  
 THE ——— RAILROAD COMPANY. }

The above-named defendant, for answer to the complaint in this proceeding, respectfully states—

I. That (*here follow the usual admissions, denials, and averments. Continue numbering each succeeding paragraph.*)

Wherefore the defendant prays that the complaint in this proceeding be dismissed.

THE ——— RAILROAD COMPANY,  
 By E. F.,

(*Title of officer.*)

STATE OF ———  
 County of ———, ss:

E. F., being duly sworn, says that he is the ——— of the ——— Railroad Company, defendant in this proceeding, and that the foregoing answer is true as he verily believes.

Subscribed and sworn to before me this ——— day of ———, 18—.

E. F.

C. D.,

*Justice of the Peace.*

(*Or other officer authorized to administer oaths.*)

\_\_\_\_\_  
 No. 6.

*Notice by carrier under Rule V.*

## INTERSTATE COMMERCE COMMISSION.

A. B.  
*against*  
 THE ——— RAILROAD COMPANY. }

Notice is hereby given under Rule V of the Rules of Practice in proceedings before the Commission that a hearing is desired in this proceeding upon the facts as stated in the complaint.

THE ——— RAILROAD COMPANY,  
 By E. F.,

(*Title of officer.*)

\_\_\_\_\_  
 No. 7.

*Acknowledgment of answer.*

## INTERSTATE COMMERCE COMMISSION.

*Washington, ———, 188—.*

\_\_\_\_\_,  
 \_\_\_\_\_,  
 \_\_\_\_\_:

The Commission acknowledges the receipt of an answer made by the ——— Rail—— Company to the complaint filed against said company ——— by ———, and the same has been filed.

For the Commission:

Very respectfully,

\_\_\_\_\_,  
*Secretary.*

No. 8.

*Notice of hearing.*INTERSTATE COMMERCE COMMISSION,  
Washington, ———, 188—.\_\_\_\_\_,  
\_\_\_\_\_,  
\_\_\_\_\_.

The case of \_\_\_\_\_ against the \_\_\_\_\_ Rail \_\_\_\_\_ Company \_\_\_\_\_ is assigned for hearing \_\_\_\_\_, 188—, — a. m., at \_\_\_\_\_.

For the Commission:

\_\_\_\_\_,  
*Secretary.*

No. 9.

*Subpœna.*

INTERSTATE COMMERCE COMMISSION.

To \_\_\_\_\_,  
\_\_\_\_\_:

You are hereby required to appear before \_\_\_\_\_ in the matter of a complaint of \_\_\_\_\_ against \_\_\_\_\_, as a witness on the part of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 188—, at \_\_\_\_\_ o'clock at \_\_\_\_\_, and bring with you then and there \_\_\_\_\_.

Dated \_\_\_\_\_.

[SEAL.]

\_\_\_\_\_,  
*Commissioner.*\_\_\_\_\_,  
\_\_\_\_\_,  
*Attorney for \_\_\_\_\_.*

[NOTICE.—Witness fees for attendance under this subpœna are to be paid by the party at whose instance the witness is summoned, and every copy of this summons for the witness must contain a copy of this notice.]

No. 10.

*Notice of taking depositions under Rule XII.*

INTERSTATE COMMERCE COMMISSION.

A. B.  
against  
THE \_\_\_\_\_ RAILROAD COMPANY. }You are hereby notified that G. H. will be examined before C. D., a \_\_\_\_\_ (*title of officer or magistrate*), at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 18—, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, as a witness for the above-named complainant (*or defendant, as the case may be*), according to act of Congress in such case made and provided, and the rules of practice of the Interstate Commerce Commission; at which time and place you are notified to be present and take part in the examination of the said witness.

Dated, \_\_\_\_\_, \_\_\_\_\_, 18—.

I. J.

(*Signature of complainant or defendant, or of counsel.*)To A. B., the above-named complainant (*or The \_\_\_\_\_ Railroad Company, the above-named defendant; or to K. L., counsel for the above-named complainant or defendant.*)

NOTE.—The Commission recommends that the conditions upon which witnesses may be examined under sections 863 and 864 of the Revised Statutes before one of the officers designated be waived, and that parties consent in all cases to take testimony in that manner when practicable.

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